

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: Laurent Bonnet )  
Confirmation No.: 3240 )  
Serial No.: 12/857025 )  
Filing Date: 8-16-10 )  
Atty Docket No.: 242609-1 )

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Statement Concerning the Basis for the Special Status**

SIR:

Applicant respectfully submits that Special Status is sought on the basis that the present invention materially contributes to the development of renewable energy resources or energy conservation.

The undersigned attorney may be contacted at the number below to facilitate the resolution of any matters. Please charge any fees that are incurred in connection with this Statement to deposit account no. 09-0470.

Respectfully submitted,

General Electric Company

By : /Douglas D. Zhang/  
Douglas D. Zhang  
Reg. No. 37,985

Dated: February 8, 2011

GE Global Patent Operation  
2 Corporate Drive, Suite 648  
Shelton, CT 06484  
203-944-6755

**Doc Code: PET.GREEN**

**Document Description: Petition for Green Tech Pilot**

PTO/SB/420 (11-10)

Approved for use through 01/31/2011. OMB 0651-0062

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

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## PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket  
Number: 242609-1

Application Number  
(if known): 12/857025

Filing date: 8-16-10

First Named  
Inventor: Laurent Bonnet

Title: HUB FOR A WIND TURBINE AND METHOD OF MOUNTING A WIND TURBINE

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

**Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.**

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: Statement Concerning the Basis for the Special Status

Signature /Douglas D. Zhang/

Date 2-8-11

Name  
(Print/Typed) Douglas D. Zhang

Registration Number 37,985

**Note:** Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below\*.

☐ \*Total of ..... forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



**Instruction Sheet for  
Petition to Make Special Under the Green Technology Pilot Program  
(Not to be Submitted to the USPTO)**

**The following is a summary of the requirements (for more information see the notices (i) "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," (ii) "Elimination of Classification Requirement in the Green Technology Pilot Program," and (iii) "Expansion and Extension of the Green Technology Pilot Program," available on the USPTO web site at [http://www.uspto.gov/patents/init\\_events/green\\_tech.jsp](http://www.uspto.gov/patents/init_events/green_tech.jsp)):**

- 1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111 (a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371, irrespective of the filing date of the application. Reexamination proceedings are excluded from this pilot program.
- 2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.
- 3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice (i) cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice (i) cited above.
- 4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.
- 5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.
- 6) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/857,025	08/16/2010	Laurent BONNET	242609_1	3240
52082	7590	02/23/2011	EXAMINER	
General Electric Company GE Global Patent Operation 2 Corporate Drive, Suite 648 Shelton, CT 06484			ART UNIT	PAPER NUMBER
			3745	
			NOTIFICATION DATE	DELIVERY MODE
			02/23/2011	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gpo.mail@ge.com  
allyson.carnaroli@ge.com



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General Electric Company  
GE Global Patent Operation  
2 Corporate Drive, Suite 648  
Shelton CT 06484

In re Application of	:	
BONNET, LAURENT	:	DECISION ON PETITION
Application No. 12/857,025	:	TO MAKE SPECIAL UNDER
Filed: Aug. 16, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 242609/1	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed Feb. 11, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **dismissed**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed

invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The petition lacks item # 4.

In regard to item 4, petitioner should note that the instant petition includes a statement identifying the basis for the special status (i.e., whether the instant invention (1) materially enhances the quality of the environment or materially contributes to (2) development of renewable energy resources or energy conservation, or (3) greenhouse gas reduction) as required by sections II and III of the notice. However, as stated in the notice, applicant must also provide a statement pertaining to the materiality standard if the application disclosure is not clear on its face as to the materiality of the basis for the special status of the invention. This petition lacks such a statement and it is not agreed that the application on its face meets that materiality standard. Petitioner states that the claimed invention relates to contribution of development of renewable energy. This is not convincing. It is not clear how the claimed system for mounting or arrangement of a modular rotor blade will provide and enhance the quality of the environment or contribute to development of renewable energy resources or energy conservation or greenhouse gas reduction. The claims presented have nothing to do with wind turbine for generating renewable energy. There is no relationship between the statement and the claimed subject matter.

Any reconsideration of this decision should be submitted through the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

The application will be forwarded to the Technology Center Art Unit 3745 for action in its regular turn.

/Henry C. Yuen/

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Henry C. Yuen  
Quality Assurance Specialist  
Technology Center 3700

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: Laurent Bonnet )  
Confirmation No.: 3240 )  
Serial No.: 12/857025 )  
Filing Date: 8-16-2010 )  
Atty Docket No.: 242609-1 )

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Request for Reconsideration**

SIR:

This is responsive to the Decision on Petition, dated as mailed 23 February 2011, in the above-referenced application.

Applicant respectfully requests reconsideration of Applicant's Petition to Make Special on the basis that the present invention materially contributes to the development of renewable energy resources or energy conservation.

Applicant respectfully submits that the present invention is directed to methods and systems for a modular rotor blade hub for wind turbines.

The development of wind turbines constantly aims for higher power outputs, which leads to increasing size of the installations. In recent years, the size of the largest available turbines on the market has doubled every 5 years, a trend which seems to be becoming more prevalent. One of the reasons for this is the goal of lowering the cost of electricity (in cent per kWh), while at the same time increasing the energy capture (yearly average power output, AEP).

Accordingly, it is a general objective to increase both the energy conversion at a

given rotor size and to increase the rotor size itself, which leads to a higher average power output.

However, increasing rotor size also means a general increase in machinery and nacelle size, which leads to higher total masses, and also to an increasing mass of the rotor blades and the hub. Accordingly, increasingly heavy components result in the fact that single pitch bearings or yaw bearings reach their tolerable bending moments or thrust components. Hence, larger wind turbine sizes also mean greater dynamic loading and consequently require constructional measures to account for the higher loads. One measure to meet these requirements is to adapt the dimensions of parts, for instance the hub. Consequently, the hub tends to increase in size and weight, which is not desirable in terms of transportability, and the handling at the construction site.

The embodiments described herein include a wind turbine system that is easy to transport and to assemble. More specifically, the rotor blade hub is easier to transport and to assemble due to its modular configuration. The wind turbine system delivers improved stability and load bearing capacities for larger wind turbines, which facilitates the assembly and operation of larger wind turbines, which are known to provide a higher average power output than smaller wind turbines. For this reason, the present invention materially contributes to the development of renewable energy and promotes increased energy production.

The undersigned attorney may be contacted at the number below to facilitate the resolution of any matters. Please charge any fees that are incurred in connection with this Statement to deposit account no. 09-0470.

Respectfully submitted,

General Electric Company

By : /Douglas D. Zhang/  
Douglas D. Zhang  
Reg. No. 37,985

Dated: March 22, 2011

GE Global Patent Operation  
2 Corporate Drive, Suite 648  
Shelton, CT 06484  
203-944-6755





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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/857,025	08/16/2010	Laurent BONNET	242609_1	3240
52082	7590	05/19/2011	EXAMINER	
General Electric Company GE Global Patent Operation 2 Corporate Drive, Suite 648 Shelton, CT 06484			ART UNIT	PAPER NUMBER
			3745	
			NOTIFICATION DATE	DELIVERY MODE
			05/19/2011	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gpo.mail@ge.com  
allyson.camaroli@ge.com



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General Electric Company  
GE Global Patent Operation  
2 Corporate Drive, Suite 648  
Shelton CT 06484

In re Application of	:	
BONNET, LAURENT	:	DECISION ON PETITION
Application No. 12/857,025	:	TO MAKE SPECIAL UNDER
Filed: Aug. 16, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 242608/1	:	PILOT PROGRAM

This is a decision on the renewed petition under 37 CFR 1.102, filed March 22, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **denied**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a

request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived. The petition lacks item # 4.

In regard to item 4, petitioner should note that the instant petition includes a statement identifying the basis for the special status (i.e., whether the instant invention (1) materially enhances the quality of the environment or materially contributes to (2) development of renewable energy resources or energy conservation, or (3) greenhouse gas reduction) as required by sections II and III of the notice. However, as stated in the notice, applicant must also provide a statement pertaining to the materiality standard if the application disclosure is not clear on its face as to the materiality of the basis for the special status of the invention. This petition lacks such a statement and it is not agreed that the application on its face meets that materiality standard. In the renewed petition, petitioner argues that the claimed invention relates to contribution to development of renewable energy resources and increase energy production. Petitioner also argues that the claimed rotor blade hub is easy to transport and to assemble due to its modular configuration which improves stability and load bearing capacities. This line of arguments is not persuasive because the claims are directed a modular rotor blade hub which is not directly related to the quality of the environment or contribute to development of renewable energy resources or energy conservation or greenhouse gas reduction. Petitioner's arguments regarding desirability of transporting and assembling of modular rotor blade hub is also not related to green technologies.

Under the circumstances, the request to make the above-identified application special under the pilot program for applications pertaining to Green Technologies cannot be granted.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856. The application is being forwarded to the Technology Center Art Unit 3745 for action in its regular turn.

Since this is a decision for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

/Henry C. Yuen/

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**Henry C. Yuen**

Quality Assurance Specialist  
Technology Center 3700



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/857,031	08/16/2010	Hideo Ando	362700US2S DIV	3256
22850 7590 10/13/2010 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER TRAN, THAI Q	
			ART UNIT 2484	PAPER NUMBER
			NOTIFICATION DATE 10/13/2010	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com  
oblonpat@oblon.com  
jgardner@oblon.com



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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.  
1940 DUKE STREET  
ALEXANDRIA VA 22314

**MAILED**

OCT 12 2010

DIRECTOR OFFICE  
TECHNOLOGY CENTER 2400

In re Application of:

ANDO, HIDEO, et al.

Serial No.: 12/857,031

Filed: August 16, 2010

DECISION ON PETITION TO  
MAKE SPECIAL FOR NEW  
APPLICATION UNDER 37  
C.F.R. § 1.102 & M.P.E.P. §  
708.02

Title: **INFORMATION STORAGE MEDIUM  
AND INFORMATION  
RECORDING/PLAYBACK SYSTEM**

The petition to make the application special filed August 16, 2010 is **GRANTED**.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.
2. Restriction Practice:  
If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.
3. Office action:

If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:

An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:

A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):

Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:

To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not

file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:

To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:

If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:

The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to Mehrdad Dastouri, Quality Assurance Specialist, at (571) 272-7418.

/Mehrdad Dastouri/

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Mehrdad Dastouri  
Quality Assurance Specialist  
Technology Center 2400



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Alexandria, Virginia 22313-1450  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/857,039	08/16/2010	Hideo Ando	362840US2S DIV	3269
22850 7590 10/13/2010 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER TRAN, THAI Q	
			ART UNIT 2484	PAPER NUMBER
			NOTIFICATION DATE 10/13/2010	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com  
oblonpat@oblon.com  
jgardner@oblon.com





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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.  
1940 DUKE STREET  
ALEXANDRIA VA 22314

**MAILED**

OCT 12 2010

DIRECTOR OFFICE  
TECHNOLOGY CENTER 240U

In re Application of:

ANDO, HIDEO, et al.

Serial No.: 12/857,039

Filed: August 16, 2010

DECISION ON PETITION TO  
MAKE SPECIAL FOR NEW  
APPLICATION UNDER 37  
C.F.R. § 1.102 & M.P.E.P. §  
708.02

Title: **INFORMATION STORAGE MEDIUM  
AND INFORMATION  
RECORDING/PLAYBACK SYSTEM**

The petition to make the application special filed August 16, 2010 is **GRANTED**.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.
2. Restriction Practice:  
If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.
3. Office action:

If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:

An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:

A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):

Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:

To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not

file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:

To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:

If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:

The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to Mehrdad Dastouri, Quality Assurance Specialist, at (571) 272-7418.

/Mehrdad Dastouri/

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Mehrdad Dastouri  
Quality Assurance Specialist  
Technology Center 2400



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Greenberg Traurig, LLP (LA)  
2450 Colorado Avenue, Suite 400E  
Intellectual Property Department  
Santa Monica, CA 90404

**MAILED**  
**SEP 30 2010**  
**OFFICE OF PETITIONS**

In re Application of  
W. Jean Dodds  
Application No. 12/857,117  
Filed: August 16, 2010  
Attorney Docket No. 058034-012901

:  
:  
: DECISION ON PETITION  
: TO MAKE SPECIAL UNDER  
: 37 CFR 1.102(c)(1)

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 16, 2010, to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The instant petition is not signed by an attorney of record. However, in accordance with 37 CFR 1.34(a), the signature of Charles Berman appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts.

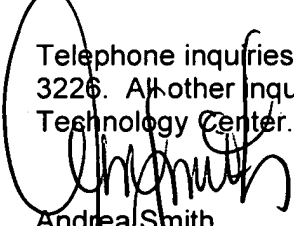
The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement from the attorney that the sole inventor is 65 years of age or older. Accordingly, the above-identified application has been accorded "special" status.

This application file is being referred to Technology Center Art Unit 1631 for examination in due course.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226. All other inquiries concerning the processing of the application should be addressed to the Technology Center.

  
Andrea Smith  
Petitions Examiner  
Office of Petitions



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/857,154	08/16/2010	Hideo Ando	362685US2S DIV	3483

22850	7590	10/13/2010
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.		
1940 DUKE STREET		
ALEXANDRIA, VA 22314		

EXAMINER	
TRAN, THAI Q	

ART UNIT	PAPER NUMBER
2484	

NOTIFICATION DATE	DELIVERY MODE
10/13/2010	ELECTRONIC

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patentdocket@oblon.com  
oblonpat@oblon.com  
jgardner@oblon.com



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1940 DUKE STREET  
ALEXANDRIA VA 22314

**MAILED**

**OCT 12 2010**

**DIRECTOR OFFICE  
TECHNOLOGY CENTER 2400**

In re Application of:

ANDO, HIDEO, et al.

Serial No.: 12/857,154

Filed: August 16, 2010

DECISION ON PETITION TO  
MAKE SPECIAL FOR NEW  
APPLICATION UNDER 37  
C.F.R. § 1.102 & M.P.E.P. §  
708.02

Title: **INFORMATION STORAGE MEDIUM  
AND INFORMATION  
RECORDING/PLAYBACK SYSTEM**

The petition to make the application special filed August 16, 2010 is **GRANTED**.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

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5. Reply by Applicant:

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To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

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Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:

If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

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The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to Mehrdad Dastouri, Quality Assurance Specialist, at (571) 272-7418.

/Mehrdad Dastouri/

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Mehrdad Dastouri  
Quality Assurance Specialist  
Technology Center 2400





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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/857,155	08/16/2010	Toshihiro Ohsawa	146486	3484
25944	7590	01/25/2011	EXAMINER	
OLIFF & BERRIDGE, PLC P.O. BOX 320850 ALEXANDRIA, VA 22320-4850			ART UNIT	PAPER NUMBER
			3728	
			NOTIFICATION DATE	DELIVERY MODE
			01/25/2011	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

OfficeAction25944@oliff.com  
jarmstrong@oliff.com



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OLIFF & BERRIDGE, PLC  
P.O. BOX 320850  
ALEXANDRIA VA 22320-4850

*In re* Application of:  
OHSAWA, TOSHIHIRO et al  
Serial No.: 12/857,155  
Filed: Aug. 16, 2010  
Docket: 146486  
Title: PACKAGE MATERIAL

::  
:: DECISION ON REQUEST  
: TO PARTICIPATE IN  
:: PATENT PROSECUTION  
HIGHWAY (PPH) AND  
PETITION TO MAKE  
SPECIAL UNDER 37 CFR  
1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed Jan. 21, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more corresponding application(s) filed in the JPO or to a PCT application that does not contain any priority claim, or the U.S. application must be a national stage entry of a PCT application that does not contain any priority claim;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
- (6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application. This application will be forwarded to an examiner for examination.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856. All other inquiries concerning the examination or status of the application should be directed to Mickey Yu, SPE of Art Unit 3728, and 571-272-4562 for Class 206/586 and also accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

Petition is **granted**.

/Henry C. Yuen/

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Henry C. Yuen, Special Programs Examiner  
Technology Center 3700 – Mechanical Engineering,  
Manufacturing and Products  
571-272-4856



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WELLS ST. JOHN P.S.  
601 WEST FIRST STREET #1300  
SPOKANE, WA 99201-3828

**MAILED**

OCT 11 2011

OFFICE OF PETITIONS

In re Application of  
Vishwnath Bhat, et al.  
Application No.: 12/857,159  
Filed: August 16, 2010  
Attorney Docket No.: MI22-4591

ON PETITION

This is a decision on the petition, filed October 11, 2011, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

***Petitioner is advised that the issue fee paid on October 4, 2011, cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.<sup>1</sup>***

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3204.

The application is being referred to Technology Center AU 2812 for further processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed amendment.

/SDB/

Sherry D. Brinkley  
Petitions Examiner  
Office of Petitions

<sup>1</sup> The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



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LAW OFFICE OF DAVID H. JUDSON  
15950 DALLAS PARKWAY  
SUITE 225  
DALLAS TX 75248

**MAILED**

**AUG 02 2011**

**OFFICE OF PETITIONS**

In re Application of :  
Levine, et al. :  
Application No. 12/857,222 : ON PETITION  
Filed: August 16, 2010 :  
Attorney Docket No. **AKAM-169**

This is in response to the petition under 37 CFR 1.137(b) filed June 22, 2011.

The petition under 37 CFR 1.137(b) is **granted**.

The record reflects that a Notice to File Missing Parts of Non-Provisional Application was mailed on August 30, 2010, allowing a shortened period for reply of two months from its mailing date. Extensions of the time set for reply were available pursuant to 37 CFR 1.136(a). A response was not received within the allowable period. The application became abandoned on October 31, 2010. A Notice of Abandonment was mailed on May 12, 2011.

The filing, search, and examination fees were received on June 22, 2011. The executed declaration under 37 CFR 1.63 and surcharge were received on June 22, 2011.

This application is being forwarded to the Office of Patent Application Processing for further processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin  
Petitions Attorney  
Office of Petitions



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PERKINS COIE LLP  
PATENT-SEA  
P.O. BOX 1247  
SEATTLE WA 98111-1247

**MAILED**  
**SEP 08 2010**  
**OFFICE OF PETITIONS**

In re Application of	:	
Roy E. McAlister	:	
Application No. 12/857,228	:	DECISION ON PETITION
Filed: August 16, 2010	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 695458045US	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 16, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement by an attorney on behalf of inventor Roy E. McAlister attesting to his age. The above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

Upon completion of the pre-examination processing by the Office of Patent Application Processing, this application will be referred to Technology Center 1797 for action on the merits commensurate with this decision.

/Kimberly Inabinet/

Kimberly Inabinet  
Petitions Examiner  
Office of Petitions

<b>Doc Code: PET.AUTO</b> <b>Document Description: Petition automatically granted by EFS-Web</b>		PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	<b>REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS</b>	
Application Number	12857239	
Filing Date	16-Aug-2010	
First Named Inventor	Luis Torres	
Art Unit	1638	
Examiner Name	BRENT PAGE	
Attorney Docket Number	1458-037	
Title	Cucumber Hybrid Menfis	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number:		32905 _____
The reason(s) for this request are those described in 37 CFR: 10.40(b)(4)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to: The address of the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, associated with Customer Number:		
		20872 _____
I am authorized to sign on behalf of myself and all withdrawing practitioners.		
Signature	/Robert J. Jondle/	
Name	Robert J. Jondle	
Registration Number	33915	



## UNITED STATES PATENT AND TRADEMARK OFFICE

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Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Decision Date : February 9, 2012

In re Application of :

DECISION ON REQUEST TO WITHDRAW AS

Luis Torres

ATTORNEY/AGENT OF RECORD

Application No : 12857239

Filed : 16-Aug-2010

Attorney Docket No : 1458-037

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR§ 1.36(b), filed February 9, 2012

The request is **APPROVED**

The request was signed by Robert J. Jondle (registration no. 33915 ) on behalf of all attorneys/agents associated with Customer Number 32905 . All attorneys/agents associated with Customer Number 32905 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with Customer number 20872 .

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions



Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (05-10)

Approved for use through 01/31/2011. OMB 0651-0062

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: **CLRA-055** Application Number (if known): **12/857,248** Filing date: **AUG 16, 2010**

First Named Inventor: **BRENT R. CONSTANTZ**

Title: **Methods and compositions using calcium carbonate**

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

**Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.**

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements set forth in the notice titled "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," as modified by the notice titled "Elimination of Classification Requirement in the Green Technology Pilot Program," each of which was published in the Federal Register, if the Office determines that the claims are not obviously directed to a single invention.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: Statement of eligibility and a copy of the Preliminary Amendment

Signature **/Eric Witt/**

Date **November 19, 2010**

Name (Print/Typed) **Eric Witt**

Registration Number **44,408**

**Note:** Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below\*.



\*Total of \_\_\_\_\_ forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:	)	
	)	
CONSTANTZ, Brent R., et al.	)	Group Art Unit: 1731
	)	
Application No.: 12/857,248	)	Examiner: Paul D. Marcantoni
	)	
Filed: August 16, 2010	)	Confirmation No.: 3653
	)	
For: METHODS AND COMPOSITIONS	)	
USING CALCIUM CARBONATE	)	

MS Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**STATEMENT OF ELIGIBILITY FOR PETITION TO MAKE SPECIAL UNDER THE  
GREEN TECHNOLOGY PILOT PROGRAM**

As stated in the Federal Register (Vol. 75, No. 217, 69049-69050, Nov. 10, 2010), the Green Technology Pilot Program has been expanded to include applications filed on or after December 8, 2009. As stated in the Instruction sheet for petition to make special under the Green Technology Pilot Program, a patent application is eligible for the Green Technology Pilot Program, if the following requirements are met:

(1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111(a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371.

(2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.

(3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction. The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements.

(4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of “Petition for Green Tech Pilot” on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.

(5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system.

(6) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

The present application meets the above recited eligibility requirements, as follows:

**(1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111(a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371.**

The present application is a non-reissue, non-provisional utility application filed under 35 U.S.C. 111(a).

**(2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims.**

The present application contains total of 20 claims with 2 independent claims and no multiple dependent claims. Please see attached a copy of the Preliminary Amendment filed on November 19, 2010.

**(3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or**

**development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction. The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements.**

The claims in the present application are directed to capture of CO<sub>2</sub> into the cementitious compositions of the invention thereby enhancing the quality of the environment and reducing green house gas emissions. In particular, the claims in the present application are directed to methods and systems including treatment of CO<sub>2</sub> source with alkaline earth-metal containing water to make the compositions of the invention. For example, claim 20 is directed to a method including contacting an alkaline earth-metal containing water with a CO<sub>2</sub> source; and subjecting the alkaline earth-metal containing water to one or more conditions to make the composition of the invention. Similarly, claim 27 is directed to a system including an input for the alkaline earth-metal containing water; an input for the CO<sub>2</sub> source; and a reactor connected to the inputs to make the composition of the invention. The specification, on pages 89-90, paragraphs [0240], [0241], and [0242] of the application as filed, discloses various sources of CO<sub>2</sub>, such as power plants, chemical processing plants, steel mills, paper mills, cement plants, etc. that may be used in the methods and systems of the present application. Claim 21 specifies the CO<sub>2</sub> source to be an industrial waste stream including flue gas from combustion; a flue gas from a chemical processing plant; a flue gas from a plant that produces CO<sub>2</sub> as a byproduct; or combination thereof. Therefore, the methods and systems of the claimed invention are directed to capture of CO<sub>2</sub> into the compositions of the invention thereby enhancing the quality of the environment and reducing the green house gas emissions.

The compositions of the invention, which include hydraulic cement, also contribute to enhancing the quality of the environment and reducing green house gas emissions as the compositions can partially or completely replace the carbon emitting cement, such as Ordinary Portland Cement. See, pages 12-13, paragraph [067] of the application as filed. Further, since the compositions are made using the methods and systems of the invention, the compositions include captured CO<sub>2</sub> from various industrial sources causing further enhancement of the quality of the environment and the reduction of the green house gas emissions.

Hence, the claims are related to a single invention that materially enhances the quality of the environment and materially contributes to reduction of green house gas emission. Therefore, the present application is eligible for at least one of the eligibility categories for advancement out of turn for the Green Tech Pilot Program.

Notwithstanding the above, should the USPTO determine that the claims are directed to multiple inventions, applicants agree to make an election without traverse in a telephonic interview and elect the invention that meets the eligibility requirements.

**(4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of “Petition for Green Tech Pilot” on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.**

The petition is being timely and appropriately filed using the form PTO/SB/420 and the EFS-Web system.

**(5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system.**

At the time of filing of this petition, no Office Action has been issued by USPTO.

**(6) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).**

A request for early publication is presented with the petition and a publication fee is being submitted. Should any additional fee is required, the Commissioner is authorized to charge any underpayment or credit any overpayment to deposit account No. 50-5015 (CLRA-055) for any matter in connection with this petition.

In these ways, the invention materially enhances the quality of the environment and/or materially contributes to reduction of green house gas emission. Therefore, the present application is eligible for the Green Technology Pilot Program.

Respectfully submitted,

CALERA CORPORATION

Dated: 19 November 2010

By: /Eric Witt/  
Eric Witt  
Reg. No. 44,408

CALERA CORPORATION  
14600 Winchester Blvd.  
Los Gatos, CA 95032  
Direct Dial: (408) 340-4653

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:	)	
	)	
CONSTANTZ, Brent R., et al.	)	Group Art Unit: 1793
	)	
Application No.: 12/857,248	)	Examiner: Paul D. Marcantoni
	)	
Filed: August 16, 2010	)	Confirmation No.: 3653
	)	
For: METHODS AND COMPOSITIONS	)	
USING CALCIUM CARBONATE	)	

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**PRELIMINARY AMENDMENT UNDER 37 CFR §1.115**

Prior to the examination of the above-referenced application on merits, Applicants respectfully request entry of this Amendment.

**Amendments to the Claims** begin on **page 2** of this paper.

**Remarks** begin on **page 5** of this paper.

**Amendment to Claims:**

Claims 8, 10, 12, 16-19, 23, 26, and 29-39 are canceled. A complete listing of the claims in this case, with their status, is shown below. This listing of claims is intended to replace all prior versions and listings of claims in the application:

1. (Original) A composition, comprising a hydraulic cement, the hydraulic cement comprising at least 47% w/w vaterite, wherein the composition upon combination with water, setting, and hardening has a compressive strength of at least 14 MPa.
2. (Original) A composition, comprising a hydraulic cement, the hydraulic cement comprising at least 10% w/w vaterite and at least 1% w/w amorphous calcium carbonate (ACC), wherein the composition upon combination with water, setting, and hardening has a compressive strength of at least 14 MPa.
3. (Original) The composition of claim 1, wherein the composition has a compressive strength in a range of 20-40 MPa.
4. (Original) The composition of claim 1, wherein the composition has a carbon isotopic fractionation value ( $\delta^{13}\text{C}$ ) of between -12‰ to -25‰.
5. (Original) The composition of claim 1, wherein the vaterite is in a range of 47% w/w to 99% w/w.
6. (Original) The composition of claim 2, wherein the composition comprises ACC in a range of 1% w/w to 53% w/w.
7. (Original) The composition of claim 1, further comprising a polymorph selected from the group consisting of amorphous calcium carbonate, aragonite, calcite, ikaite, a precursor phase of vaterite, a precursor phase of aragonite, an intermediary phase that is less stable than calcite, polymorphic forms in between these polymorphs, and combination thereof.
8. (Canceled).
9. (Original) The composition of claim 1, further comprising strontium (Sr) in an amount of 1-50,000 parts per million (ppm).
10. (Canceled).



11. (Original) The composition of claim 1, wherein the composition is a particulate composition with an average particle size of 0.1-100 microns.

12. (Canceled).

13. (Original) The composition of claim 1, further comprising nitrogen oxide, sulfur oxide, mercury, metal, derivative of any of nitrogen oxide, sulfur oxide, mercury, and/or metal, or combination thereof.

14. (Original) The composition of claim 1, further comprising Portland cement clinker, aggregate, supplementary cementitious material (SCM), or combination thereof.

15. (Original) The composition of claim 1, wherein the composition has a zeta potential of between -25 to 45 mV.

16-19. (Canceled).

20. (Original) A method for making a composition of claim 1, comprising:

- (a) contacting an alkaline earth-metal containing water with a CO<sub>2</sub> source; and
- (b) subjecting the alkaline earth-metal containing water of step (a) to one or more conditions to make the composition of claim 1.

21. (Original) The method of claim 20, wherein the CO<sub>2</sub> source is an industrial waste stream comprising flue gas from combustion; a flue gas from a chemical processing plant; a flue gas from a plant that produces CO<sub>2</sub> as a byproduct; or combination thereof.

22. (Original) The method of claim 20, wherein the alkaline earth-metal containing water is sea water, brine, or combination thereof.

23. (Canceled).

24. (Original) The method of claim 20, wherein the one or more conditions comprise contacting the alkaline earth-metal containing water with a proton removing agent.

25. (Original) The method of claim 24, wherein the proton removing agent is selected from the group consisting of oxide, hydroxide, carbonate, coal ash, naturally occurring mineral, and combination thereof.

26. (Canceled).

27. (Original) A system for making a composition of claim 1, comprising:  
(a) an input for an alkaline earth-metal containing water;  
(b) an input for a CO<sub>2</sub> source; and  
(c) a reactor connected to the inputs of step (a) and step (b) that is configured to make the composition of claim 1.

28. (Original) The system of claim 27, wherein the system further comprises a filtration step to filter the composition after the step (c).

29-39. (Canceled).

40. (Original) A method for making a formed building material from the composition of claim 1, comprising:

combining the composition of claim 1 with an aqueous medium under one or more suitable conditions; and

allowing the composition to set and harden into the formed building material.

*[REMAINDER OF THE PAGE INTENTIONALLY LEFT BLANK]*

**REMARKS**

Claims 8, 10, 12, 16-19, 23, 26, and 29-39 are being canceled. Claims 1-7, 9, 11, 13-15, 20-22, 24-25, 27-28, and 40 are pending in the application. No new matter is being added by the amendment.

Applicants submit that the claims are in condition for allowance. Favorable consideration of the application is respectfully requested. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In an event, the U.S. Patent & Trademark Office determines that an extension and/or other relief is required, we petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this Preliminary Amendment to Deposit Account No. 50-5015 referencing Docket No. CLRA-055; however, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,

CALERA CORPORATION

Dated: 19 November 2010

By: Vandana Bansal/  
Vandana Bansal  
Reg. No. 54,979

CALERA CORPORATION  
14600 Winchester Blvd.  
Los Gatos, CA 95032  
Direct Dial: (408) 340-4653



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/857,248	08/16/2010	Brent R. Constantz	CLRA-055	3653
84221	7590	11/26/2010		
Calera Corporation Eric Witt 14600 Winchester Blvd. Los Gatos, CA 95032			EXAMINER MARCANTONI, PAUL D	
			ART UNIT	PAPER NUMBER
			1731	
			NOTIFICATION DATE	DELIVERY MODE
			11/26/2010	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docket@calera.com  
docket@bozpat.com  
ewitt@calera.com



UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Calera Corporation  
Eric Witt  
14600 Winchester Blvd.  
Los Gatos CA 95032

In re Application of	:	
Brent R. Constantz et al.	:	DECISION ON PETITION
Application No. 12/857,248	:	TO MAKE SPECIAL UNDER
Filed: August 16, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. CLRA-055	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed November 19, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded “special” status.

Telephone inquiries concerning this decision should be directed to Blaine Copenheaver at 571-272-1156.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Blaine Copenheaver/

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Blaine Copenheaver  
Quality Assurance Specialist  
Technology Center 1700

<b>Doc Code: PET.AUTO</b> <b>Document Description: Petition automatically granted by EFS-Web</b>		PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	<b>REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS</b>	
Application Number	12857261	
Filing Date	16-Aug-2010	
First Named Inventor	Luis Torres	
Art Unit	1638	
Examiner Name	BRENT PAGE	
Attorney Docket Number	1458-040	
Title	Cucumber Hybrid Enki	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number:		32905 _____
The reason(s) for this request are those described in 37 CFR: 10.40(b)(4)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to: The address of the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, associated with Customer Number:		
		20872 _____
I am authorized to sign on behalf of myself and all withdrawing practitioners.		
Signature	/Robert J. Jondle/	
Name	Robert J. Jondle	
Registration Number	33915	



## UNITED STATES PATENT AND TRADEMARK OFFICE

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Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Decision Date : February 9, 2012

In re Application of :

DECISION ON REQUEST TO WITHDRAW AS

Luis Torres

ATTORNEY/AGENT OF RECORD

Application No : 12857261

Filed : 16-Aug-2010

Attorney Docket No : 1458-040

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR§ 1.36(b), filed February 9, 2012

The request is **APPROVED**

The request was signed by Robert J. Jondle (registration no. 33915 ) on behalf of all attorneys/agents associated with Customer Number 32905 . All attorneys/agents associated with Customer Number 32905 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with Customer number 20872 .

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions



Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (05-10)

Approved for use through 01/31/2011. OMB 0651-0062

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: **CLRA-055US2** Application Number (if known): **12/857,267** Filing date: **Aug. 16, 2010**

First Named Inventor: **Brent R. Constantz**

Title: **Methods and compositions using calcium carbonate**

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

**Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.**

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements set forth in the notice titled "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," as modified by the notice titled "Elimination of Classification Requirement in the Green Technology Pilot Program," each of which was published in the Federal Register, if the Office determines that the claims are not obviously directed to a single invention.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: Statement of eligibility and copy of preliminary amendment

Signature **/Eric Witt/**

Date **November 19, 2010**

Name (Print/Typed) **Eric Witt**

Registration Number **44,408**

**Note:** Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below\*.



\*Total of \_\_\_\_\_ forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:	)	
	)	
CONSTANTZ, Brent R., et al.	)	Group Art Unit: 4111
	)	
Application No.: 12/857,267	)	Examiner: Karam Y. Hijji
	)	
Filed: August 16, 2010	)	Confirmation No.: 3687
	)	
For: METHODS AND COMPOSITIONS	)	
USING CALCIUM CARBONATE	)	

MS Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**STATEMENT OF ELIGIBILITY FOR PETITION TO MAKE SPECIAL UNDER THE  
GREEN TECHNOLOGY PILOT PROGRAM**

As stated in the Federal Register (Vol. 75, No. 217, 69049-69050, Nov. 10, 2010), the Green Technology Pilot Program has been expanded to include applications filed on or after December 8, 2009. As stated in the Instruction sheet for petition to make special under the Green Technology Pilot Program, a patent application is eligible for the Green Technology Pilot Program, if the following requirements are met:

(1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111(a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371.

(2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.

(3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction. The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements.

(4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of “Petition for Green Tech Pilot” on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.

(5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system.

(6) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

The present application meets the above recited eligibility requirements, as follows:

**(1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111(a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371.**

The present application is a non-reissue, non-provisional utility application filed under 35 U.S.C. 111(a).

**(2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims.**

The present application contains total of 20 claims with 3 independent claims and no multiple dependent claims. Please see attached a copy of the Preliminary Amendment filed on November 19, 2010.

**(3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or**

**development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction. The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements.**

The claims in the present application are directed to capture of CO<sub>2</sub> into the cementitious compositions of the invention thereby enhancing the quality of the environment and reducing green house gas emissions. In particular, the claims in the present application are directed to methods and systems including treatment of CO<sub>2</sub> source with alkaline earth-metal containing water to make the compositions of the invention. For example, claim 22 is directed to a method including contacting an alkaline earth-metal containing water with a CO<sub>2</sub> source; and subjecting the alkaline earth-metal containing water to one or more conditions to make the composition of the invention. Similarly, claim 29 is directed to a system including an input for the alkaline earth-metal containing water; an input for the CO<sub>2</sub> source; and a reactor connected to the inputs to make the composition of the invention. The specification, on pages 90-91, paragraphs [0243], [0244], and [0245] of the application as filed, discloses various sources of CO<sub>2</sub>, such as power plants, chemical processing plants, steel mills, paper mills, cement plants, etc. that may be used in the methods and systems of the present application. Claim 23 specifies the CO<sub>2</sub> source to be an industrial waste stream including flue gas from combustion; a flue gas from a chemical processing plant; a flue gas from a plant that produces CO<sub>2</sub> as a byproduct; or combination thereof. Therefore, the methods and systems of the claimed invention are directed to capture of CO<sub>2</sub> into the compositions of the invention thereby enhancing the quality of the environment and reducing the green house gas emissions.

The compositions of the invention, which include supplementary cementitious material, also contribute to enhancing the quality of the environment and reducing green house gas emissions as the compositions can partially or completely replace the carbon emitting cement, such as Ordinary Portland Cement. See, page 13, paragraph [070] of the application as filed. Further, since the compositions are made using the methods and systems of the invention, the compositions include captured CO<sub>2</sub> from various industrial sources causing further enhancement of the quality of the environment and the reduction of the green house gas emissions.

Hence, the claims are related to a single invention that materially enhances the quality of the environment and materially contributes to reduction of green house gas emission. Therefore, the present application is eligible for at least one of the eligibility categories for advancement out of turn for the Green Tech Pilot Program.

Notwithstanding the above, should the USPTO determine that the claims are directed to multiple inventions, applicants agree to make an election without traverse in a telephonic interview and elect the invention that meets the eligibility requirements.

**(4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of “Petition for Green Tech Pilot” on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.**

The petition is being timely and appropriately filed using the form PTO/SB/420 and the EFS-Web system.

**(5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system.**

At the time of filing of this petition, no Office Action has been issued by USPTO.

**(6) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).**

A request for early publication is presented with the petition and a publication fee is being submitted. Should any additional fee is required, the Commissioner is authorized to charge any underpayment or credit any overpayment to deposit account No. 50-5015 (CLRA-055US2) for any matter in connection with this petition.

In these ways, the invention materially enhances the quality of the environment and/or materially contributes to reduction of green house gas emission. Therefore, the present application is eligible for the Green Technology Pilot Program.

Respectfully submitted,

CALERA CORPORATION

Dated: 19 November 2010

By: /Eric Witt/  
Eric Witt  
Reg. No. 44,408

CALERA CORPORATION  
14600 Winchester Blvd.  
Los Gatos, CA 95032  
Direct Dial: (408) 340-4653

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:	)	
	)	
CONSTANTZ, Brent R., et al.	)	Group Art Unit: 4111
	)	
Application No.: 12/857,267	)	Examiner: Karam Y. Hijji
	)	
Filed: August 16, 2010	)	Confirmation No.: 3687
	)	
For: METHODS AND COMPOSITIONS	)	
USING CALCIUM CARBONATE	)	

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**PRELIMINARY AMENDMENT UNDER 37 CFR §1.115**

Prior to the examination of the above-referenced application on merits, Applicants respectfully request entry of this Amendment.

**Amendments to the Claims** begin on **page 2** of this paper.

**Remarks** begin on **page 5** of this paper.

**Amendment to Claims:**

Claims 8, 10, 12, 15-16, 19-21, 25, 28, and 30-39 are canceled. A complete listing of the claims in this case, with their status, is shown below. This listing of claims is intended to replace all prior versions and listings of claims in the application:

1. (Original) A composition, comprising a supplementary cementitious material (SCM), the SCM comprising at least 47% w/w vaterite, wherein the composition upon combination with water, setting, and hardening, has a compressive strength of at least 14 MPa.
2. (Original) A composition, comprising a SCM, the SCM comprising at least 10% w/w vaterite and at least 1% w/w amorphous calcium carbonate (ACC), wherein the composition upon combination with water, setting, and hardening has a compressive strength of at least 14 MPa.
3. (Original) The composition of claim 1, wherein the composition has a compressive strength in a range of 20-40 MPa.
4. (Original) The composition of claim 1, wherein the composition has a carbon isotopic fractionation value ( $\delta^{13}\text{C}$ ) of between -12‰ to -25‰.
5. (Original) The composition of claim 1, wherein the vaterite is in a range of 47% w/w to 99% w/w.
6. (Original) The composition of claim 2, wherein the composition comprises ACC in a range of 1% w/w to 53% w/w.
7. (Original) The composition of claim 1, further comprising a polymorph selected from the group consisting of amorphous calcium carbonate, aragonite, calcite, ikaite, a precursor phase of vaterite, a precursor phase of aragonite, an intermediary phase that is less stable than calcite, polymorphic forms in between these polymorphs, and combination thereof.
8. (Canceled).
9. (Original) The composition of claim 1, further comprising strontium (Sr) in an amount of 1-50,000 parts per million (ppm).
10. (Canceled).



11. (Original) The composition of claim 1, wherein the composition is a particulate composition with an average particle size of 0.1-100 microns.

12. (Canceled).

13. (Original) The composition of claim 1, further comprising nitrogen oxide, sulfur oxide, mercury, metal, derivative of any of nitrogen oxide, sulfur oxide, mercury, and/or metal, or combination thereof.

14. (Original) The composition of claim 1, further comprising Portland cement clinker, aggregate, supplementary cementitious material (SCM), or combination thereof.

15-16. (Canceled).

17. (Original) A composition, comprising a SCM, wherein at least 16% by wt of SCM mixed with OPC results in no more than 10% reduction in a compressive strength of OPC at 28 days when compared to OPC alone.

18. (Original) The composition of claim 17, wherein the compressive strength of OPC is in a range of 17-45 MPa.

19-21. (Canceled).

22. (Original) A method for making a composition of claim 1, comprising:  
(a) contacting an alkaline earth-metal containing water with a CO<sub>2</sub> source; and  
(b) subjecting the alkaline earth-metal containing water of step (a) to one or more conditions to make the composition of claim 1.

23. (Original) The method of claim 22, wherein the CO<sub>2</sub> source is an industrial waste stream comprising flue gas from combustion; a flue gas from a chemical processing plant; a flue gas from a plant that produces CO<sub>2</sub> as a byproduct; or combination thereof.

24. (Original) The method of claim 22, wherein the alkaline earth-metal containing water is sea water, brine, or combination thereof.

25. (Canceled).

26. (Original) The method of claim 22, wherein the one or more conditions comprise contacting the alkaline earth-metal containing water with a proton removing agent.

27. (Original) The method of claim 26, wherein the proton removing agent is selected from the group consisting of oxide, hydroxide, carbonate, coal ash, naturally occurring mineral, and combination thereof.

28. (Canceled).

29. (Original) A system for making a composition of claim 1, comprising:

(a) an input for an alkaline earth-metal containing water;

(b) an input for a CO<sub>2</sub> source; and

(c) a reactor connected to the inputs of step (a) and step (b) that is configured to make the composition of claim 1.

30-39. (Canceled).

40. (Original) A method for making a formed building material from the composition of claim 1, comprising:

combining the composition of claim 1 with an aqueous medium under one or more suitable conditions; and

allowing the composition to set and harden into the formed building material.

*[REMAINDER OF THE PAGE INTENTIONALLY LEFT BLANK]*

**REMARKS**

Claims 8, 10, 12, 15-16, 19-21, 25, 28, and 30-39 are being canceled. Claims 1-7, 9, 11, 13-14, 17-18, 22-24, 26-27, 29, and 40 are pending in the application. No new matter is being added by the amendment.

Applicants submit that the claims are in condition for allowance. Favorable consideration of the application is respectfully requested. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In an event, the U.S. Patent & Trademark Office determines that an extension and/or other relief is required, we petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this Preliminary Amendment to Deposit Account No. 50-5015 referencing Docket No. CLRA-055US2; however, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,

CALERA CORPORATION

Dated: 19 November 2010

By: Vandana Bansal/  
Vandana Bansal  
Reg. No. 54,979

CALERA CORPORATION  
14600 Winchester Blvd.  
Los Gatos, CA 95032  
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# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/857,267	08/16/2010	Brent R. Constantz	CLRA-055US2	3687
84221	7590	11/26/2010		
Calera Corporation Eric Witt 14600 Winchester Blvd. Los Gatos, CA 95032			EXAMINER HIJJI, KARAM Y	
			ART UNIT 4111	PAPER NUMBER
			NOTIFICATION DATE 11/26/2010	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docket@calera.com  
docket@bozpat.com  
ewitt@calera.com



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NOV 26 2010

Calera Corporation  
Eric Witt  
14600 Winchester Blvd.  
Los Gatos CA 95032

In re Application of	:	
Brent R. Constantz et al.	:	DECISION ON PETITION
Application No. 12/857,267	:	TO MAKE SPECIAL UNDER
Filed: August 16, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. CLRA-055US2	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed November 19, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded “special” status.

Telephone inquiries concerning this decision should be directed to Blaine Copenheaver at 571-272-1156.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Blaine Copenheaver/

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Blaine Copenheaver  
Quality Assurance Specialist  
Technology Center 1700

<b>Doc Code: PET.AUTO</b> <b>Document Description: Petition automatically granted by EFS-Web</b>		PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	<b>REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS</b>	
Application Number	12857275	
Filing Date	16-Aug-2010	
First Named Inventor	Magali Lemont	
Art Unit	1638	
Examiner Name	EILEEN O HARA	
Attorney Docket Number	1458-043	
Title	Lettuce Cultivar Jeanine	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number:		32905
The reason(s) for this request are those described in 37 CFR: 10.40(b)(4)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to: The address of the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, associated with Customer Number: 20872		
I am authorized to sign on behalf of myself and all withdrawing practitioners.		
Signature	/Robert J. Jondle/	
Name	Robert J. Jondle	
Registration Number	33915	



## UNITED STATES PATENT AND TRADEMARK OFFICE

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Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Decision Date : February 9, 2012

In re Application of :

DECISION ON REQUEST TO WITHDRAW AS

Magali Lemont

ATTORNEY/AGENT OF RECORD

Application No : 12857275

Filed : 16-Aug-2010

Attorney Docket No : 1458-043

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR§ 1.36(b), filed February 9, 2012

The request is **APPROVED**

The request was signed by Robert J. Jondle (registration no. 33915 ) on behalf of all attorneys/agents associated with Customer Number 32905 . All attorneys/agents associated with Customer Number 32905 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with Customer number 20872 .

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions



Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (05-10)

Approved for use through 01/31/2011. OMB 0651-0062

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: **CLRA-055US3** Application Number (if known): **12/857,289** Filing date: **Aug 16, 2010**

First Named Inventor: **Brent R. Constantz**

Title: **Methods and compositions using calcium carbonate**

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

**Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.**

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements set forth in the notice titled "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," as modified by the notice titled "Elimination of Classification Requirement in the Green Technology Pilot Program," each of which was published in the Federal Register, if the Office determines that the claims are not obviously directed to a single invention.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: Statement of eligibility and a copy of the preliminary amendment

Signature **/Eric Witt/**

Date **November 19, 2010**

Name (Print/Typed) **Eric Witt**

Registration Number **44,408**

**Note:** Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below\*.



\*Total of \_\_\_\_\_ forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:	)	
	)	
CONSTANTZ, Brent R., et al.	)	Group Art Unit: 4111
	)	
Application No.: 12/857,289	)	Examiner: Karam Y. Hijji
	)	
Filed: August 16, 2010	)	Confirmation No.: 3718
	)	
For: METHODS AND COMPOSITIONS	)	
USING CALCIUM CARBONATE	)	

MS Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**STATEMENT OF ELIGIBILITY FOR PETITION TO MAKE SPECIAL UNDER THE  
GREEN TECHNOLOGY PILOT PROGRAM**

As stated in the Federal Register (Vol. 75, No. 217, 69049-69050, Nov. 10, 2010), the Green Technology Pilot Program has been expanded to include applications filed on or after December 8, 2009. As stated in the Instruction sheet for petition to make special under the Green Technology Pilot Program, a patent application is eligible for the Green Technology Pilot Program, if the following requirements are met:

(1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111(a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371.

(2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.

(3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction. The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements.

(4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of “Petition for Green Tech Pilot” on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.

(5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system.

(6) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

The present application meets the above recited eligibility requirements, as follows:

**(1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111(a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371.**

The present application is a non-reissue, non-provisional utility application filed under 35 U.S.C. 111(a).

**(2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims.**

The present application contains total of 20 claims with 1 independent claim and no multiple dependent claims. Please see attached a copy of the Preliminary Amendment filed on November 19, 2010.

**(3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or**

**development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction. The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements.**

The claims in the present application are directed to capture of CO<sub>2</sub> into the cementitious compositions of the invention thereby enhancing the quality of the environment and reducing green house gas emissions. In particular, the claims in the present application are directed to methods and systems including treatment of CO<sub>2</sub> source with alkaline earth-metal containing water to make the compositions of the invention. For example, claim 20 is directed to a method including contacting an alkaline earth-metal containing water with a CO<sub>2</sub> source; and subjecting the alkaline earth-metal containing water to one or more conditions to make the composition of the invention. Similarly, claim 27 is directed to a system including an input for the alkaline earth-metal containing water; an input for the CO<sub>2</sub> source; and a reactor connected to the inputs to make the composition of the invention. The specification, on pages 87-88, paragraphs [0239], [0240], and [0241] of the application as filed, discloses various sources of CO<sub>2</sub>, such as power plants, chemical processing plants, steel mills, paper mills, cement plants, etc. that may be used in the methods and systems of the present application. Claim 21 specifies the CO<sub>2</sub> source to be an industrial waste stream including flue gas from combustion; a flue gas from a chemical processing plant; a flue gas from a plant that produces CO<sub>2</sub> as a byproduct; or combination thereof. Therefore, the methods and systems of the claimed invention are directed to capture of CO<sub>2</sub> into the compositions of the invention thereby enhancing the quality of the environment and reducing the green house gas emissions.

The compositions of the invention, which include a self-cementing composition, also contribute to enhancing the quality of the environment and reducing green house gas emissions as the compositions can partially or completely replace the carbon emitting cement, such as Ordinary Portland Cement. See, page 11, paragraph [066] of the application as filed. Further, since the compositions are made using the methods and systems of the invention, the compositions include captured CO<sub>2</sub> from various industrial sources causing further enhancement of the quality of the environment and the reduction of the green house gas emissions.

Hence, the claims are related to a single invention that materially enhances the quality of the environment and materially contributes to reduction of green house gas emission. Therefore, the present application is eligible for at least one of the eligibility categories for advancement out of turn for the Green Tech Pilot Program.

Notwithstanding the above, should the USPTO determine that the claims are directed to multiple inventions, applicants agree to make an election without traverse in a telephonic interview and elect the invention that meets the eligibility requirements.

**(4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of “Petition for Green Tech Pilot” on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.**

The petition is being timely and appropriately filed using the form PTO/SB/420 and the EFS-Web system.

**(5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system.**

At the time of filing of this petition, no Office Action has been issued by USPTO.

**(6) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).**

A request for early publication is presented with the petition and a publication fee is being submitted. Should any additional fee is required, the Commissioner is authorized to charge any underpayment or credit any overpayment to deposit account No. 50-5015 (CLRA-055US3) for any matter in connection with this petition.

In these ways, the invention materially enhances the quality of the environment and/or materially contributes to reduction of green house gas emission. Therefore, the present application is eligible for the Green Technology Pilot Program.

Respectfully submitted,

CALERA CORPORATION

Dated: 19 November 2010

By: /Eric Witt/  
Eric Witt  
Reg. No. 44,408

CALERA CORPORATION  
14600 Winchester Blvd.  
Los Gatos, CA 95032  
Direct Dial: (408) 340-4653

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:	)	
	)	
CONSTANTZ, Brent R., et al.	)	Group Art Unit: 4111
	)	
Application No.: 12/857,289	)	Examiner: Karam Y. Hijji
	)	
Filed: August 16, 2010	)	Confirmation No.: 3718
	)	
For: METHODS AND COMPOSITIONS	)	
USING CALCIUM CARBONATE	)	

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**PRELIMINARY AMENDMENT UNDER 37 CFR §1.115**

Prior to the examination of the above-referenced application on merits, Applicants respectfully request entry of this Amendment.

**Amendments to the Claims** begin on **page 2** of this paper.

**Remarks** begin on **page 5** of this paper.

**Amendment to Claims:**

Claims 9, 11, 15-19, 26, and 28-37 are canceled. A complete listing of the claims in this case, with their status, is shown below. This listing of claims is intended to replace all prior versions and listings of claims in the application:

1. (Original) A self-cementing composition, comprising: at least 1% w/w vaterite in saltwater, wherein the composition upon rinsing with fresh water, setting, and hardening has a compressive strength of at least 14 MPa.
2. (Original) The composition of claim 1, wherein the composition has a compressive strength in a range of 20-40 MPa.
3. (Original) The composition of claim 1, wherein the composition has a carbon isotopic fractionation value ( $\delta^{13}\text{C}$ ) of between -12‰ to -25‰.
4. (Original) The composition of claim 1, wherein the vaterite is in a range of 47% w/w to 99% w/w.
5. (Original) The composition of claim 1, wherein the composition further comprises ACC in a range of 1% w/w to 99% w/w.
6. (Original) The composition of claim 1, further comprising a polymorph selected from the group consisting of amorphous calcium carbonate, aragonite, calcite, ikaite, a precursor phase of vaterite, a precursor phase of aragonite, an intermediary phase that is less stable than calcite, polymorphic forms in between these polymorphs, and combination thereof.
7. (Original) The composition of claim 1, further comprising a polymorph selected from the group consisting of aragonite, calcite, ikaite, and combination thereof, wherein the aragonite, calcite, ikaite, or combination thereof are independently in a range of between 1% w/w to 80% w/w.
8. (Original) The composition of claim 1, further comprising strontium (Sr) in an amount of 1-50,000 parts per million (ppm).
9. (Canceled).



10. (Original) The composition of claim 1, wherein the composition is a particulate composition with an average particle size of 0.1-100 microns.

11. (Canceled).

12. (Original) The composition of claim 1, further comprising nitrogen oxide, sulfur oxide, mercury, metal, derivative of any of nitrogen oxide, sulfur oxide, mercury, and/or metal, or combination thereof.

13. (Original) The composition of claim 1, further comprising Portland cement clinker, aggregate, supplementary cementitious material (SCM), or combination thereof.

14. (Original) The composition of claim 1, wherein the composition has a zeta potential of between -25 to 45 mV.

15-19. (Canceled).

20. (Original) A method for making a composition of claim 1, comprising:

- (a) contacting an alkaline earth-metal containing water with a CO<sub>2</sub> source; and
- (b) subjecting the alkaline earth-metal containing water of step (a) to one or more conditions to make the composition of claim 1.

21. (Original) The method of claim 20, wherein the CO<sub>2</sub> source is an industrial waste stream comprising flue gas from combustion; a flue gas from a chemical processing plant; a flue gas from a plant that produces CO<sub>2</sub> as a byproduct; or combination thereof.

22. (Original) The method of claim 20, wherein the alkaline earth-metal containing water is sea water, brine, or combination thereof.

23. (Original) The method of claim 20, wherein the one or more conditions are selected from the group consisting of temperature, pH, precipitation, residence time of the precipitate, dewatering of the precipitate, washing the precipitate with water, drying, milling, and storage.

24. (Original) The method of claim 20, wherein the one or more conditions comprise contacting the alkaline earth-metal containing water with a proton removing agent.

25. (Original) The method of claim 24, wherein the proton removing agent is selected from the group consisting of oxide, hydroxide, carbonate, coal ash, naturally occurring mineral, and combination thereof.

26. (Canceled).

27. (Original) A system for making a composition of claim 1, comprising:

(a) an input for an alkaline earth-metal containing water;

(b) an input for a CO<sub>2</sub> source; and

(c) a reactor connected to the inputs of step (a) and step (b) that is configured to make the composition of claim 1.

28-37. (Canceled).

38. (Original) A method for making a formed building material from the composition of claim 1, comprising:

combining the composition of claim 1 with an aqueous medium under one or more suitable conditions; and

allowing the composition to set and harden into the formed building material.

*[REMAINDER OF THE PAGE INTENTIONALLY LEFT BLANK]*

**REMARKS**

Claims 9, 11, 15-19, 26, and 28-37 are being canceled. Claims 1-8, 10, 12-14, 20-25, 27, and 38 are pending in the application. No new matter is being added by the amendment.

Applicants submit that the claims are in condition for allowance. Favorable consideration of the application is respectfully requested. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In an event, the U.S. Patent & Trademark Office determines that an extension and/or other relief is required, we petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this Preliminary Amendment to Deposit Account No. 50-5015 referencing Docket No. CLRA-055US3; however, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,

CALERA CORPORATION

Dated: 19 November 2010

By: /Vandana Bansal/  
Vandana Bansal  
Reg. No. 54,979

CALERA CORPORATION  
14600 Winchester Blvd.  
Los Gatos, CA 95032  
Direct Dial: (408) 340-4653



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/857,289	08/16/2010	Brent R. Constantz	CLRA-055US3	3718
84221	7590	11/26/2010	EXAMINER	
Calera Corporation			HIJJI, KARAM Y	
Eric Witt			ART UNIT	
14600 Winchester Blvd.			PAPER NUMBER	
Los Gatos, CA 95032			4111	
			NOTIFICATION DATE	DELIVERY MODE
			11/26/2010	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docket@calera.com  
docket@bozpat.com  
ewitt@calera.com



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Calera Corporation  
Eric Witt  
14600 Winchester Blvd.  
Los Gatos CA 95032

NOV 26 2010

In re Application of	:	
Brent R. Constantz et al.	:	DECISION ON PETITION
Application No. 12/857,289	:	TO MAKE SPECIAL UNDER
Filed: August 16, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. CLRA-055US3	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed November 19, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

- The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded “special” status.

Telephone inquiries concerning this decision should be directed to Blaine Copenheaver at 571-272-1156.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Blaine Copenheaver/

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Blaine Copenheaver  
Quality Assurance Specialist  
Technology Center 1700

Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (11-10)

Approved for use through 01/31/2011. OMB 0651-0062

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket  
Number: 83162816

Application Number  
(if known): 12/857,302

Filing date: August 16, 2010

First Named  
Inventor: John Christopher Riegger

Title: METHOD AND SYSTEM FOR CONTROLLING ENGINE EXHAUST

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

**Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.**

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: \_\_\_\_\_

Signature /John D. Russell/

Date March 16, 2011

Name  
(Print/Typed) John D. Russell

Registration Number 47,048

**Note:** Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below\*.

☒ \*Total of 1 forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants : John Christopher Riegger et al.  
Application No. : 12/857,302  
Filed : August 16, 2010  
Title : METHOD AND SYSTEM FOR CONTROLLING ENGINE  
EXHAUST  
Group Art Unit : 3748  
Confirmation No. : 3741  
Docket No. : 83162816

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**CERTIFICATE OF TRANSMISSION**

I hereby certify that this correspondence is being transmitted via the U.S. Patent and Trademark Office electronic filing system (EFS-Web) to the USPTO on:

March 16, 2011  
Date

/Angie C. Farr/  
Angie C. Farr

**STATEMENTS OF SPECIAL STATUS**

Applicants respectfully request consideration of the following statement concerning the basis for the special status as well as the following statement pertaining to the materiality standard.

*I. Statement concerning the basis for special status.*

Applicants submit that special status is sought on the following bases: (1) the claimed invention materially contributes to the more efficient utilization and conservation of energy resources; and/or (2) the claimed invention materially contributes to greenhouse gas emission reduction.

*II. Statement pertaining to the materiality standard.*

As a preliminary matter, Applicants note that the following statement refers explicitly to the elements of independent claim 1, which is the broadest claim in many respects.

Regarding basis (1), Applicants submit that the claimed invention materially contributes to the more efficient utilization and conservation of energy resources by



improving fuel economy (e.g., more efficiently utilizing and conserving fossil fuels). Specifically, the claimed invention increases turbocharger efficiency and thus improves fuel economy. As explained in the Background and Summary of the subject application, engine manufacturers are reducing engine displacement and boosting air supplied to engines to provide a desired level of engine power with reduced fuel consumption. For example, a turbocharged four cylinder engine can output power that is substantially equivalent to a normally aspirated six cylinder engine. And, reducing an engine from six cylinders to four cylinders can reduce engine friction and pumping work, thereby reducing engine fuel consumption. The claimed invention increases turbocharger efficiency at low engine speeds via a single exhaust manifold.

For example, claim 1 recites:

- An engine operating method, comprising:
  - combusting an air-fuel mixture in each cylinder of an engine;
  - routing exhaust gases of each cylinder through a single exhaust manifold;
  - deactivating solely one exhaust valve of each cylinder of the engine during a first engine operating condition, the deactivated solely one exhaust valve of each cylinder deactivated for at least two engine cycles;
  - and
  - activating the solely one exhaust valve of each cylinder during a second engine operating condition.

By deactivating a single exhaust valve of each cylinder of an engine, exhaust gases produced by combustion in the cylinders can be routed to a turbocharger in a way that increases turbocharger efficiency at lower engine speeds. In particular, when a first exhaust valve of a cylinder is deactivated at lower engine speeds, the velocity of exhaust gases expelled from the cylinder via a second exhaust valve can be increased to impart additional energy to a turbocharger located in the exhaust system downstream of the cylinder. Further, exhaust gas residuals can also be reduced when one of the two exhaust valves is deactivated at lower engine speeds. The increased turbocharger efficiency and lower cylinder exhaust residuals allow the engine to produce additional torque at lower engine speeds, thus improving fuel economy by improving low speed engine torque. In this way, fossil fuel may be conserved.

Regarding basis (2), Applicants submit that the claimed invention materially contributes to greenhouse gas emission reduction as follows. CO<sub>2</sub> is a greenhouse gas released as a product of fossil fuel combustion. As explained above and set forth in claim 1, the claimed invention reduces fuel consumption by improving turbocharger efficiency, thus lowering CO<sub>2</sub> emissions.

Please charge any cost incurred in this filing, along with any other costs, to Deposit Account No. 06-1510.

Respectfully submitted,

ALLEMAN HALL MCCOY RUSSELL &  
TUTTLE LLP

/John D. Russell/

John D. Russell

Registration No. 47,048

Customer No. 36865

Attorney/Agent for Applicants/Assignee

806 S.W. Broadway, Suite 600

Portland, Oregon 97205

Telephone: (503) 459-4141

Facsimile: (503) 459-4142



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/857,302	08/16/2010	John Christopher Riegger	83162816	3741

36865 7590 03/30/2011  
ALLEMAN HALL MCCOY RUSSELL & TUTTLE, LLP  
806 S.W. BROADWAY, SUITE 600  
PORTLAND, OR 97205

EXAMINER
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ART UNIT	PAPER NUMBER
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3748

MAIL DATE	DELIVERY MODE
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03/30/2011

PAPER

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ALLEMAN HALL MCCOY RUSSELL & TUTTLE, LLP  
806 S.W. BROADWAY, SUITE 600  
PORTLAND OR 97205

In re Application of	:	
RIEGGER, JOHN CHRISTOPHER et al	:	DECISION ON PETITION
Application No. 12/857,302	:	TO MAKE SPECIAL UNDER
Filed: Aug. 26, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 83162816	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed March 16, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is Granted.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a

request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded “special” status.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

This application will be forwarded to the Technology Center Art Unit 3748 for action on the merits commensurate with this decision.

/Henry C. Yuen/

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Henry C. Yuen  
Quality Assurance Specialist  
Technology Center TC 3700

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/64 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	<b>PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT          ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)</b>	
Application Number	12857320	
Filing Date	16-Aug-2010	
First Named Inventor	Mark Barry	
Attorney Docket Number	027404.0101C1N1	
Title	SYSTEM AND METHOD FOR ALIGNING VERTEBRAE IN THE AMELIORATION OF ABERRANT	
<p>The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.</p> <p>APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION</p> <p>NOTE: A grantable petition requires the following items:</p> <p>(1) Petition fee;</p> <p>(2) Reply and/or issue fee;</p> <p>(3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and</p> <p>(4) Statement that the entire delay was unintentional</p>		
<p>Petition Fee</p> <p><input type="radio"/> Applicant claims SMALL ENTITY status. See 37 CFR 1.27.</p> <p><input type="radio"/> Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).</p> <p><input type="radio"/> Applicant(s) status remains as SMALL ENTITY.</p> <p><input checked="" type="radio"/> Applicant(s) status remains as other than SMALL ENTITY.</p>		
<p>2. Reply and/or fee</p> <p><input type="radio"/> I certify, in accordance with 37 CFR 1.4(d)(4) that the amendment and response have already been filed in the above-identified application on</p> <p><input checked="" type="radio"/> Amendment and response are attached</p> <p>RCE request, submission, and fee.</p> <p><input type="radio"/> I certify, in accordance with 37 CFR 1.4(d)(4) that the RCE Request, Submission, and Fee have already been filed in the above-identified application on</p> <p><input type="radio"/> RCE Request, Submission, and Fee are attached</p>		
Notice of Appeal		

☐ I certify, in accordance with 37 CFR 1.4(d)(4) that the Notice of Appeal and Fee have already been filed in the above-identified application on

☐ Notice of Appeal and Fee are attached

3. Terminal Disclaimer is not required, since the Electronic Petition format is not support for Design applications and applications filed before June 8, 1995. Please file using regular petition format for review by the Office of Petitions.

☒ STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

☐ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.

☒ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.

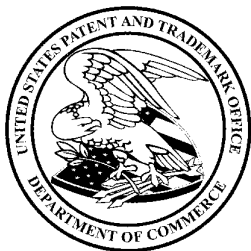
☐ A sole inventor

☐ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors

☐ A joint inventor; all of whom are signing this e-petition

☐ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Signature	/DAVID HENRY/
Name	David G. Henry
Registration Number	32735



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Decision Date January 16, 2012

In re Application of Mark Barry

Application No. 12857320

Filed: 16-Aug-2010

### DECISION ON PETITION

UNDER CFR 1.137(b)

Attorney Docket No. 027404.0101C1N1

This is an electronic decision on the petition under 37 CFR 1.137(b), January 16, 2012, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the outstanding Office communication. The date of abandonment is the day after the last day of the period set for reply in the Office action plus any applicable extensions of time properly requested.

The electronic petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of a response; (2) the petition fee as set forth in 37 CFR 1.17 (m); and (3) the required statement of unintentional delay have been received. Accordingly, the response is accepted as having been unintentionally delayed.

The statement of unintentional delay is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay and by a person having firsthand or direct knowledge of the facts and circumstances of the delay at issue. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being directed to the Technology Center.

Office of Petitions





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EDWARDS ANGELL PALMER & DODGE LLP  
PO BOX 55874  
BOSTON MA 02205

**MAILED**

**NOV 19 2010**

**OFFICE OF PETITIONS**

In re Application of :  
Rhoads, et al. :  
Application No. 12/857,322 : ON PETITION  
Deposited: August 16, 2010 :  
Attorney Docket No. 85278CON2 (307534) :

This is in response to the "PETITION REQUESTING GRANT OF ORIGINAL FILING DATE", filed September 9, 2010, which is being treated as a petition under 37 CFR 1.53(e)(2).

Application papers in the above-identified application were deposited on August 16, 2010. However, on August 27, 2010, the Office of Patent Application Processing mailed applicants a "Notice of Incomplete Nonprovisional Application," notifying applicants that the application papers had not been accorded a filing date because the application was deposited without drawings. Applicants request that the application be accorded the filing date of August 16, 2010, based on an express incorporation by reference statement present in the specification on filing.

Petitioner's arguments and evidence have been considered. However, a review of the application confirms that, as filed, the application contained at least one method claim. MPEP 601.01(f) provides that:

It has been USPTO practice to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence).

Thus, pursuant to § 601.01(f), a drawing is not considered essential for a filing date. The instant application is entitled to a filing date without drawings present in the application.

Accordingly, the Office should have granted the application a filing date and mailed a Notice of Omitted Items instead of a Notice of Incomplete Nonprovisional Application. As stated in MPEP 601.01(g) under the section entitled, "Application Entitled to a Filing Date," applicant may submit an amendment to include the inadvertently omitted portion of the drawing(s) pursuant to 37 CFR 1.57(a):

[i]f an application was filed on or after September 21, 2004, and contains a claim under 37 CFR 1.55 for priority of a prior-filed foreign application, or a claim under 37 CFR 1.78 for the benefit of a prior-filed provisional, nonprovisional, or international

application that was present on the filing date of the application, and the omitted portion of the drawing(s) was inadvertently omitted from the application and is completely contained in the prior-filed application[.]

To the extent the instant petition requests a filing date of August 16, 2010 with no drawings present in the application on filing, the petition is **GRANTED**.

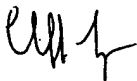
Receipt of the Amendment filed with the petition, seeking entry of the drawings, is acknowledged.

Given the basis for granting this petition, the \$400 petition fee has been refunded to Deposit Account No 04-1105.

Pursuant to this decision, the application will be referred to Office of Patent Application Processing for:

- **correction of the filing date to August 16, 2010;**
- **for indication in Office records, as appropriate, that "0" sheets of drawings were present on filing and**
- **for issuance of a filing receipt.**

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3207.



Cliff Congo  
Petitions Attorney  
Office of Petitions

# REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No:	12/857,331	Filing date:	08-16-2010
First Named Inventor:	Christian M. Lambert		
Title of the Invention:	DIAMOND IMPREGNATED BIT WITH AGGRESSIVE FACE PROFILE		
THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT <a href="http://www.uspto.gov/ebs/efs_help.html">HTTP://WWW.USPTO.GOV/EBS/DFS_HELP.HTML</a>			

**APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.**

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

**The corresponding PCT application number(s) is/are:** PCT/US10/45650

**The international filing date of the corresponding PCT application(s) is/are:** 08-16-2010

## I. List of Required Documents:

- a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)**



Is attached.



Is not attached because the document is already in the U.S. application.

- b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**



Is attached.



Is not attached because the document is already in the U.S. application.

- c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

## REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO

Application No.:	12/857,331
First Named Inventor:	Christian M. Lambert

- 9

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**(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)**

- 1

☒[illegible]

Signature <u>/Ryan E. Keller/</u>	Date <u>05-27-2011</u>
Name (Print/Typed) <u>Ryan E. Keller</u>	Registration Number <u>60516</u>

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/857,331	08/16/2010	Christian M. Lambert	17443.373.1	3813
22913	7590	07/19/2011		
Workman Nydegger 1000 Eagle Gate Tower 60 East South Temple Salt Lake City, UT 84111			EXAMINER LOIKITH, CATHERINE A	
			ART UNIT	PAPER NUMBER
			3676	
			MAIL DATE	DELIVERY MODE
			07/19/2011	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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**JUL 19 2011**

Workman Nydegger  
1000 Eagle Gate Tower  
60 East South Temple  
Salt Lake City UT 84111

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

In re application of	:	<b>DECISION ON REQUEST TO</b>
Lambert et al.	:	<b>PARTICIPATE IN PATENT</b>
Application No. 12/857,331	:	<b>PROSECUTION HIGHWAY</b>
Filed: August 16, 2010	:	<b>PROGRAM AND PETITION</b>
For: DIAMOND IMPREGNATED BIT	:	<b>TO MAKE SPECIAL UNDER</b>
WITH AGGRESSIVE FACE PROFILE	:	<b>37 CFR 1.102(a)</b>

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed May 27, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the KIPO or USPTO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
- (6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The petition being properly submitted via EFS-Web as is required, the request to participate in the PPH program complies with the above requirements, the above-identified application has been accorded "special" status.

All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Mikado Buiz, Quality Assurance Specialist, at (571) 272-6578.

          / Mikado Buiz /  
Mikado Buiz,  
Quality Assurance Specialist  
Technology Center 3600

MB/MB: 7/18/11





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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/857,335	08/16/2010	Mamoru Kobayashi	6639P1014	3821

8791 7590 11/22/2011  
BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP  
1279 OAKMEAD PARKWAY  
SUNNYVALE, CA 94085-4040

EXAMINER
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HAROLD, JEFFEREY F

ART UNIT	PAPER NUMBER
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2422

MAIL DATE	DELIVERY MODE
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11/22/2011

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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NOV 22 2011

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TECHNOLOGY CENTER 2400

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[www.uspto.gov](http://www.uspto.gov)

BLAKELY SOKOLOFF TAYLOR &  
ZAFMAN LLP  
1279 OAKMEAD PARKWAY  
SUNNYVALE CA 94085-4040

In re Application of: Mamoru Kobayashi  
Application No. 12/857,335  
Filed: August 16, 2010  
For: **VIDEO PROCESSING  
APPARATUS**

DECISION ON REQUEST TO  
PARTICIPATE IN PATENT  
PROSECUTION HIGHWAY  
PROGRAM AND PETITION TO  
MAKE SPECIAL UNDER 37 CFR  
1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed November 8, 2011, to make the above-identified application special.

The petition is **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

1. The U.S. application for which participation in the PPH program is requested and the corresponding JPO application must have the same priority/filing date; In particular, the U.S. application (including national stage entry of a PCT application and a so-called bypass application filed under 35 U.S.C. § 111(a) which validly claims benefit under 35 U.S.C. § 120 to a PCT application):
  - (a) is an application that validly claims priority under 35 U.S.C. § 119(a) and 37 CFR 1.55 to one or more applications filed with JPO,
  - or
  - (b) is an application which is the basis of a valid priority claim under the Paris Convention for the application filed in JPO,
  - or
  - (c) is an application which shares a common priority document with the application filed in JPO,
  - or
  - (d) and the JPO application are derived from/related to a PCT application having no priority claim.

2. Applicant must submit a copy of:
  - a. The allowable/patentable claim(s) from the JPO application(s);
  - b. An English translation of the allowable/patentable claim(s); and
  - c. A statement that the English translation is accurate;
3. Applicant must
  - a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to one or more of those claims indicated as allowable/patentable claim(s) in the JPO application(s). Claims are considered to "sufficiently correspond" where, accounting for differences due to translations and claim format, the claims in the USPTO are of the same or similar scope as the claims in the JPO, or the claims in the USPTO are narrower in scope than the claims in the JPO. In this regard, a claim that is narrower in scope occurs when a JPO claim is amended to be further limited by an additional feature that is supported in the specification (description and/or claims). A claim in the USPTO which introduces a new/different category of claims to those claims indicated as allowable in the JPO is not considered to sufficiently correspond. For example, if the JPO claims only contain claims to a process of manufacturing a product, then the claims in the USPTO are not considered to sufficiently correspond if the USPTO claims introduce product claims that are dependent on the corresponding process claims; and
  - b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
  - a. Documentation of prior office action:
    - i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
    - ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
    - iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
  - b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
  - c. A statement that the English translation is accurate (if the translation is not a machine translation provided by the JPO);
6. Applicant must submit:
  - a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
  - b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application).

The request to participate in the PPH program and petition are found to comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

*Application SN 12/857,335*  
*Decision on Petition*

Telephone inquiries concerning this decision should be directed to Christopher Grant at 571-272-7294.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Christopher Grant/  
Christopher Grant  
Quality Assurance Specialist  
Technology Center 2400



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/857,337	08/16/2010	Conor Robert White	2010_04A	3824
85012	7590	12/07/2010		
Daon, Incorporated Attn: Kevin McDermott 11955 Freedom Drive, Suite 16000 Reston, VA 20190			EXAMINER MOAZZAMI, NASSER G	
			ART UNIT 2436	PAPER NUMBER
			MAIL DATE 12/07/2010	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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WASHINGTON, DC 20231  
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Daon, Incorporated  
Attn: Kevin McDermott  
11955 Freedom Drive, Suite 16000  
Reston, VA 20190

In re Application of:  
White et al.  
Serial No.: 12/857,337  
Filed: August 16, 2010  
Docket: 2010\_04A  
For: **METHOD AND SYSTEM FOR  
Biometric Authentication**

DECISION ON PETITION TO MAKE  
SPECIAL FOR NEW APPLICATION  
UNDER 37 C.F.R. § 1.102 & M.P.E.P. §  
708.02

This is a decision on the petition filed on August 16, 2010 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

## REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

### I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.
3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;
4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

### II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview.

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the filed of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation;

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document.

An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

## REVIEW OF FACTS

The conditions I 1-4, II 1-4 and II 5.1, 5.3, and II 6.1 - 6.6 above are considered to have been met. However, the petition fails to comply with conditions II 5.2 above. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Regarding the requirement of MPEP § 708.02(a)(I.)(H)<sup>1</sup> and items II.5.2 above, the preexamination search does not encompass all of the features of the claims, and does not appear to have given the claims the broadest reasonable interpretation.

Specifically, the text search strategy which includes a reasonable number of synonyms should be modified to include the following popular terms in the biometric art.

The collection of synonyms used in a number of text search queries “word\$1 string\$1 textstring\$1 text-string” should be modified to include “**template template\$1**”.

The collection of synonyms used in a number of text search queries “conver\$4 conversion\$4 transform\$6 algorithm” should be modified to include “**hash hashing encrypt\$6**”.

Finally, based upon the claimed subject matter of the instant application, a search in the following class and subclasses is recommended in order to provide full coverage of where the most pertinent references are most likely to be found: **Class 726 INFORMATION SECURITY: SUPPORT Subclass 7** (Access Control:usage) for subject matter related to biometric authentication.

This additional search area was confirmed with an examiner in the pertinent art area.

**Petitioner should review all claim limitations, especially those asserted as patentable distinctions from the cited references to ensure that the search covers these concepts, and update the search and/or provide any clarifications if deemed necessary.**

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### DECISION

For the above-stated reasons, the petition is **dismissed**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, (no extension of time under 37 CFR 1.136(a)) from the date of this decision in order to be considered timely. Any request for reconsideration must address the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to Tod Swann, Quality Assurance Specialist, at (571) 272-3612. A second point of Contact is Kim Huynh at (571)-272-4147.



---

Tod R Swann, WQAS 2430  
Technology Center 2400  
Networking, Multiplex, Cable and Information Security



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/857,337	08/16/2010	Conor Robert White	2010_04A	3824
85012	7590	01/13/2011		
Daon, Incorporated Attn: Kevin McDermott 11955 Freedom Drive, Suite 16000 Reston, VA 20190			EXAMINER MOAZZAMI, NASSER G	
			ART UNIT 2436	PAPER NUMBER
			MAIL DATE 01/13/2011	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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Daon, Incorporated  
Attn: Kevin McDermott  
11955 Freedom Drive, Suite 16000  
Reston, VA 20190

In re Application of:  
White et al.  
Serial No.: 12/857,337  
Filed: August 16, 2010  
Docket: 2010\_04A  
For: **METHOD AND SYSTEM FOR  
Biometric Authentication**

DECISION ON PETITION TO MAKE  
SPECIAL FOR NEW APPLICATION  
UNDER 37 C.F.R. § 1.102 & M.P.E.P. §  
708.02

This is a decision on the petition re-filed on January 6, 2011 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d). The original petition was filed on August 16<sup>th</sup>, 2010 and dismissed on December 7, 2010.

The petition to make the application special is **GRANTED** as papers filed on January 6, 2011 including the Pre-Examination Search Document, and the petition meet the requirements of 37 C.F.R. § 1.102(d) and MPEP 708.02(a)(1) as the search is now encompasses all claim scope.

The application is eligible for accelerated examination and the renewed petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323) as the original identified deficiencies for failing to comply with the requirements for the pre-examination search encompassing all of the features of the claims, and giving the claims the broadest reasonable interpretation, the statement of patentability must provide a detailed explanation of how each of the claims are patentable and the concise statement of the utility must be of the invention as defined in each of the independent claims (reference must be made to independent claims 1, 14 and 20) have been corrected.

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

1. Restriction Practice:

If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

2. Office action:

If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

3. Time for Reply:

An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

4. Reply by Applicant:

A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

5. Information Disclosure Statement (IDS):

Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

6. Post-Allowance Processing:

To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

7. After-Final and Appeal Procedures:

To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

8. Proceedings Outside the Normal Examination Process:  
If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.
9. Final Disposition:  
The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to Tod Swann, Quality Assurance Specialist, at (571) 272-3612. A second point of Contact is Kim Huynh at (571)-272-4147.



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Tod R Swann, WQAS 2430  
Technology Center 2400  
Networking, Multiplex, Cable and Security



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United States Patent and Trademark Office  
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[www.uspto.gov](http://www.uspto.gov)

Decision Date : February 9, 2012

In re Application of :

DECISION ON REQUEST TO WITHDRAW AS

Magali Lemont

ATTORNEY/AGENT OF RECORD

Application No : 12857346

Filed : 16-Aug-2010

Attorney Docket No : 1458-044

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR§ 1.36(b), filed February 9, 2012

The request is **APPROVED**

The request was signed by Robert J. Jondle (registration no. 33915 ) on behalf of all attorneys/agents associated with Customer Number 32905 . All attorneys/agents associated with Customer Number 32905 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with Customer number 20872 .

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions

<b>Doc Code: PET.AUTO</b> <b>Document Description: Petition automatically granted by EFS-Web</b>		PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	<b>REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS</b>	
Application Number	12857346	
Filing Date	16-Aug-2010	
First Named Inventor	Magali Lemont	
Art Unit	1638	
Examiner Name	EILEEN O HARA	
Attorney Docket Number	1458-044	
Title	Lettuce Cultivar Danielle	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number:		32905
The reason(s) for this request are those described in 37 CFR: 10.40(b)(4)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to: The address of the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, associated with Customer Number: 20872		
I am authorized to sign on behalf of myself and all withdrawing practitioners.		
Signature	/Robert J. Jondle/	
Name	Robert J. Jondle	
Registration Number	33915	



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Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450

**BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP**  
**1279 OAKMEAD PARKWAY**  
**SUNNYVALE CA 94085-4040**

**MAILED**  
**APR 18 2012**  
**OFFICE OF PETITIONS**

In re Application of	:	DECISION ON REQUEST TO
Tatsuro SAKAMOTO	:	PARTICIPATE IN PPH PROGRAM
Application No. 12/857,347	:	AND PETITION TO MAKE SPECIAL
Filed: August 16, 2010	:	UNDER 37 CFR 1.102(a)
Atty. Docket No.: 6639P1015	:	
For: REMOTE CONTROL APPARATUS	:	

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed March 8, 2012 to make the above-identified application special.

The petition and request are **GRANTED**.

A grantable request to participate in the PPH (patent prosecution highway) program and petition to make special require:

1. The U.S. application is a Paris convention application that either validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more application filed in the JPO or to a PCT application that contains no priority claims, or is a national stage application under the PCT that either validly claims priority to an application filed in the JPO or to a PCT application that contains no priority claims, or that contains no priority claim, or is a bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application that validly claims priority to an application filed in the JPO, to a PCT application that contains no priority claims, or contain no priority claim;
2. Applicant must ensure all the claims in the U.S. application sufficiently correspond or amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application and submit a claim correspondence table in English;
3. Examination of the U.S. application has not begun;



4. Applicant must submit a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s), or if the allowable/patentable claim(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal, or if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form, and an English language translation of the JPO Office action if submitted; and

5. Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action, unless already submitted in this application, and copies of the documents except U.S. patents or U.S. patent application publications, unless already submitted in this application.

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Robert DeWitty, Petition Attorney, Office of Petitions at 571-272-8427.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.

This application will be forwarded to Technology Center Art Unit 2612 for action commensurate with this decision.



David Bucci  
Petitions Examiner  
Office of Petitions



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**COX SMITH MATTHEWS INCORPORATED**  
**112 EAST PECAN STREET, SUITE 1800**  
**SAN ANTONIO TX 78205-1521**

**MAILED**  
**AUG 15 2011**  
**OFFICE OF PETITIONS**

In re Application of :  
John Wester :  
Application No. 12/857,350 : **DECISION ON PETITION**  
Filed: August 16, 2010 :  
Attorney Docket No. 31018.5 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 21, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of Replacement Drawings; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice To File Corrected Application Papers mailed September 7, 2010, is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

This application is being referred to the Office of Patent Application Processing for appropriate action by the Examiner in the normal course of business.

/KOC/  
Karen Creasy  
Petitions Examiner  
Office of Petitions



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**TOWNSEND AND TOWNSEND AND CREW LLP /PULMONX 017534  
TWO EMBARCADERO CENTER, EIGHTH FLOOR  
SAN FRANCISCO CA 94111-3834**

**MAILED**

**JUN 30 2011**

**OFFICE OF PETITIONS**

In re Application of	:	
Hendricksen et al.	:	DECISION ON PETITION
Application No. 12/857,356	:	TO WITHDRAW
Filed: August 16, 2010	:	FROM RECORD
Attorney Docket No. 017534-005302US	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 2, 2011.

The request is **NOT APPROVED**.

Petitioner has not complied with current USPTO requirements, as set forth in 37 CFR 10.40 concerning Request for Withdrawal as Attorney and Change of Correspondence Address. Specifically, pursuant to 37 CFR 10.40, the Office will require the practitioner(s) to certify that he, she or they have:

- (1) given reasonable notice to the client, prior to the expiration of the reply period, that the practitioner(s) intends to withdraw from employment;
- (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and
- (3) notified the client of any replies that may be due and the time frame within which the client must respond.

Petitioner has not complied with the above certifications. It is suggested that petitioner submit a properly completed PTO/SB/83 (effective date May 12, 2008), which provides a section wherein practitioners may certify the completion of the above-listed activities necessary for the request to withdraw from representation to be granted.

Further, the Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71, or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor.

The Office will not change the correspondence address to that of a new practitioner unless the Request is accompanied by a power of attorney to a new practitioner (e.g., Form PTO/SB/82). This includes address changes to law firms, where no new power of attorney has been filed in the application. If the applicants wish future correspondence to be mailed to a new law firm, a new

power of attorney should be submitted in the application and should include the desired change of correspondence address. Accordingly, as the Request to Withdraw specified a law firm as the new correspondence address of record, the request cannot be granted at this time.

All future communications from the Office will be directed to above-listed address until otherwise properly notified by the applicant or a proper change of correspondence address have been submitted.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-3206. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

*/Liana Walsh/*  
Liana Walsh  
Petitions Examiner  
Office of Petitions



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Rutan & Tucker, LLP.  
611 ANTON BLVD  
SUITE 1400  
COSTA MESA CA 92626

**MAILED**

**FEB 27 2012**

**OFFICE OF PETITIONS**

In re Application of  
Jonathan P. Deutsch et al.  
Application No. 12/857,408  
Filed: August 16, 2010  
Attorney Docket No. 021404-0031P

**DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed February 13, 2012.

The request is **NOT APPROVED**.

The request cannot be approved because it lacks the name of the first inventor or the assignee of record that is associated with the address listed in the request. Therefore, the change of correspondence address is considered improper.

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71*, or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

*An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.*

The assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, the statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (e.g., reel and frame number).

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4584.

/JoAnne Burke/  
JoAnne Burke  
Petitions Examiner  
Office of Petitions



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**PERKINS COIE LLP**  
**ATTN: Patent Procurement/Docketing**  
**P.O. Box 1208**  
**Seattle WA 98111-1208**

**MAILED**  
**AUG 31 2011**  
**OFFICE OF PETITIONS**

In re Application of :  
Zarng-Arh George Wu, et al. :  
Application No. 12/857,428 : DECISION GRANTING PETITION  
Filed: August 16, 2010 : UNDER 37 CFR 1.313(c)(2)  
Attorney Docket No. 76614-8063.US05 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, August 29, 2011 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

***Petitioner is advised that the issue fee paid on August 16, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.<sup>1</sup>***

Telephone inquiries should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 1761 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed request for correction of inventorship.

/Terri Johnson/  
Terri Johnson  
Petitions Examiner  
Office of Petitions

---

<sup>1</sup> The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



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P.O. Box 1208  
Seattle WA 98111-1208

**MAILED**

**NOV 22 2011**

**OFFICE OF PETITIONS**

In re Application of  
Wu, et al.  
Application No. 12/857,428  
Filed: August 16, 2010  
Attorney Docket No. 76614-8063.US05

:  
:  
: DECISION REFUSING STATUS  
: ON PETITION  
:  
:

This is a decision on the petition under 37 CFR 1.47 and the request under 37 CFR 1.48, filed October 3, 2011. This matter is being properly treated under 37 CFR 1.183 as a petition to waive the requirements of 37 CFR 1.48.

The petitions under 37 CFR 1.183 and 1.48 are **DISMISSED**.

The petition fee required under 37 CFR 1.183 is currently \$400.00. The petition fee is required prior to a decision on the merits of any petition submitted pursuant to 37 CFR 1.183. As petitioners have submitted \$200.00, a decision on the merits is not forthcoming.

Any request for reconsideration must include the remaining fee due.

Applicants are given TWO (2) MONTHS from the mailing date of this decision to reply. Any request for reconsideration of this decision should be accompanied by a renewed petition titled "Request for Reconsideration under 37 CFR 1.183." Any extensions of time will be governed by 37 CFR 1.136(a).

Further correspondence with respect to this matter should be addressed as follows:

By Mail:                      Mail Stop MISSING PARTS  
                                    Commissioner for Patents  
                                    Post Office Box 1450  
                                    Alexandria, VA 22313-1450

By Hand:                     U. S. Patent and Trademark Office  
                                    Customer Window, Mail Stop PETITIONS  
                                    401 Dulany Street  
                                    Alexandria, VA 22314

The centralized facsimile number is (571) 273-8300.



Application No. 12/857,428

Telephone inquiries should be directed to the undersigned at (571) 272-3205.

*/ALESIA M. BROWN/*

Alesia M. Brown  
Attorney Advisor  
Office of Petitions



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Seattle WA 98111-1208

**MAILED**  
**DEC 20 2011**  
**OFFICE OF PETITIONS**

In re Application of  
Wu, et al. :  
Application No.: 12/857,428 : DECISION  
Filed: August 16, 2010 :  
Docket No.: 76614-8063.US05 :

This decision is in response to renewed petition filed November 29, 2011. This matter is being treated under 37 CFR 1.183 as a request for waiver of the provisions of 37 CFR 1.48(a)(3).

The above-identified application was filed August 16, 2010 and named Wu, Wang, Weng, Cheng, and Liang as joint inventors. Petitioners herein seek to correct the inventive entity of this application by adding inventor Haubrich and deleting inventors Weng and Chen.

DECISION UNDER 37 CFR 1.183

The provisions of 37 CFR 1.183 provide that “[i]n an extraordinary situation, when justice requires, any requirement of the regulations in this part which is not a requirement of the statutes may be suspended or waived by the Commissioner or the Commissioner’s designee, *sua sponte*, or on petition of the interested party, subject to such other requirements as may be imposed.”

Petitioners seek to correct the inventive entity in the instant application by submitting a request under 37 CFR 1.48(a). Petitioners are required under 37 CFR 1.48(a)(3) to submit an oath or declaration by the actual inventor or inventors as required by § 1.63. Petitioners are unable to comply with this requirement because inventor Liang has refused to execute the declaration under 37 CFR 1.63.

Accordingly, the petition under 37 CFR 1.183 to waive the requirements of 37 CFR 1.48(a)(3) is hereby **GRANTED**.

DECISION UNDER 37 CFR 1.48

In view of the evidence presented, it has been found that this nonprovisional application, as filed, through error and without deceptive intent, improperly set forth the inventorship, and accordingly, this application has been corrected in compliance with 37 CFR 1.48(a), adding inventor Haubrich and deleting inventors Weng and Chen.

Accordingly, the request under 37 CFR 1.48(a) is hereby **GRANTED**.

Enclosed please find a corrected filing receipt.

This application is being forwarded to Technology Center Group Art Unit 1761 for further processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3205.

A handwritten signature in black ink, appearing to read 'Alesia M. Brown', with a long horizontal stroke extending to the right.

Alesia M. Brown  
Attorney Advisor  
Office of Petitions

Enclosure:     Corrected Filing Receipt



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
12/857,428	08/16/2010	1761	1598	76614-8063.US05	24	1

CONFIRMATION NO. 3990

CORRECTED FILING RECEIPT



OC000000051547194

46006  
PERKINS COIE LLP  
ATTN: Patent Procurement/Docketing  
P.O. Box 1208  
Seattle, WA 98111-1208

Date Mailed: 12/19/2011

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

**Applicant(s)**

Zarnig-Arh George Wu, San Jose, CA;  
JEANNE E. HAUBRICH, WATERFORD, NY;  
Xiaojia Wang, Fremont, CA;  
Rong-Chang Liang, Cupertino, CA;

**Power of Attorney:** The patent practitioners associated with Customer Number 46006

**Domestic Priority data as claimed by applicant**

This application is a CON of 11/686,256 03/14/2007 PAT 7800813  
which is a DIV of 10/785,644 02/23/2004 PAT 7347957  
which is a CIP of 10/618,257 07/10/2003 ABN  
which claims benefit of 60/396,680 07/17/2002

**Foreign Applications** (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see <http://www.uspto.gov> for more information.)

**If Required, Foreign Filing License Granted:** 08/25/2010

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/857,428**

**Projected Publication Date:** Not Applicable

**Non-Publication Request:** No

**Early Publication Request:** No

**Title**

METHODS AND COMPOSITIONS FOR IMPROVED ELECTROPHORETIC DISPLAY  
PERFORMANCE

**Preliminary Class**

359

**PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES**

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

**LICENSE FOR FOREIGN FILING UNDER**

**Title 35, United States Code, Section 184**

**Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where

the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

#### **NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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**MAIL**

SEP 09 2010

DIRECTOR'S OFFICE  
TECHNOLOGY CENTER 2600

CALLAWAY GOLF COMPANY  
2180 RUTHERFORD ROAD  
CARLSBAD CA 92008-7328

In re Application of:	:	
BALARDETA, JOSEPH et al	:	DECISION ON PETITION TO
Serial No.: 12/857,444	:	MAKE SPECIAL FOR NEW
Filed: August 16, 2010	:	APPLICATION UNDER 37
Attorney Docket Number: PU2737	:	C.F.R. § 1.102 & M.P.E.P. §
Title: <b>CIRCUIT FOR TRANSMITTING A</b>	:	708.02
<b>RFID SIGNAL</b>	:	

This is a decision on the petition filed on August 16, 2010 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.
3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;
4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;
3. include a statement that applicant agrees to make an election without traverse in a telephone interview.
4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.
5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the filed of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

- 5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;
  - 5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation;
  - 5.3. encompass the disclosed features that may be claimed.
6. must provide in support of the petition an accelerated examination support document.
- An accelerated examination support document must include:

- 6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;
- 6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;
- 6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);
- 6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);
- 6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;
- 6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

## REVIEW OF FACTS

The conditions set forth under section I. above are considered to have been met. However, the petition fails to comply with conditions set forth under section II. items 5 - 5.3.



For these reasons cited above, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Regarding the requirement in items 5 - 5.3 above, the preexamination search document provided with the instant petition is deficient as follows: The search submitted by applicant is too narrow. A complete search must also include class/ subclass 340/10.1-10.6; 340/572.1-572.9; and 235/375-385.

If any request for reconsideration is filed, an updated preexamination search must be conducted as per item 5.1 above, and the Preexamination Search Document must be amended to indicate such; a new Information Disclosure Statement should be filed to cite any newly found prior art, and the Accelerated Examination Support Document must also be amended to include the necessary reference and discussion of any newly found and cited prior art in accordance with all of items 6 through 6.6 above.

#### DECISION

For the above-stated reasons, the petition is **dismissed**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, (no extension of time under 37 CFR 1.136(a)) from the date of this decision in order to be considered timely. Any request for reconsideration must address the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to Michael Horabik, Quality Assurance Specialist, at (571) 272-3068.

/Michael Horabik/

---

Michael Horabik  
Quality Assurance Specialist  
Technology Center 2600  
Communications



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CALLAWAY GOLF COMPANY  
2180 RUTHERFORD ROAD  
CARLSBAD CA 92008-7328

SEP 30 2010  
DIRECTOR'S OFFICE  
TECHNOLOGY CENTER 2600

In re Application of:  
BALARDETA, JOSEPH et al  
Serial No.: 12/857,444  
Filed: August 16, 2010  
Attorney Docket No: PU2737  
Title: **CIRCUIT FOR TRANSMITTING A  
RFID SIGNAL**

:  
:  
: DECISION ON PETITION TO  
: MAKE SPECIAL FOR NEW  
: APPLICATION UNDER 37  
: C.F.R. § 1.102 & M.P.E.P. §  
: 708.02  
:

This is a decision on the petition filed on September 16, 2010 requesting reconsideration to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

All of the requirements to correct the deficiencies outlined in the petition decision mailed September 09, 2010 have been met.

The petition to make the application special is **GRANTED**.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.
2. Restriction Practice:  
If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the

examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:

If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:

An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:

A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):

Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:

To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not

file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:

To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:

If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:

The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to Michael Horabik, Quality Assurance Specialist, at (571) 272-3068.

/Michael Horabik/

---

Michael Horabik  
Quality Assurance Specialist  
Technology Center 2600  
Communications



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PERKINS COIE LLP  
PATENT-SEA  
P.O. BOX 1247  
SEATTLE WA 98111-1247

**MAILED**

SEP 08 2010

**OFFICE OF PETITIONS**

In re Application of	:	
Roy E. McAlister	:	
Application No. 12/857,461	:	DECISION ON PETITION
Filed: August 16, 2010	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 695458049US	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 16, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement by an attorney on behalf of inventor Roy E. McAlister attesting to his age. The above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

Upon completion of the pre-examination processing by the Office of Patent Application Processing, this application will be referred to Technology Center 1793 for action on the merits commensurate with this decision.

/Kimberly Inabinet/

Kimberly Inabinet  
Petitions Examiner  
Office of Petitions



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United States Patent and Trademark Office  
P.O. Box 1450

**KNOBBE MARTENS OLSON & BEAR LLP  
2040 MAIN STREET  
FOURTEENTH FLOOR  
IRVINE CA 92614**

**MAILED  
FEB 13 2012  
OFFICE OF PETITIONS**

In re Application of : DECISION ON REQUEST TO  
Kenji HASEGAWA : PARTICIPATE IN PPH PROGRAM  
Application No. 12/857,463 : AND PETITION TO MAKE SPECIAL  
Filed: August 16, 2010 : UNDER 37 CFR 1.102(a)  
Atty. Docket No.: NGTOSH.130AUS :  
For: FLEXIBLE PRINTED WIRING BOARD AND ELECTRONIC APPARATUS  
HAVING FLEXIBLE PRINTED WIRING BOARD

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed December 6, 2011 to make the above-identified application special.

The petition and request are **GRANTED**.

A grantable request to participate in the PPH (patent prosecution highway) program and petition to make special require:

(1) the U.S. application is a Paris Convention application which either validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO (Japanese Patent Office) or claims priority to a PCT application that contains no priority claims. Alternatively, it can be a national stage application under the PCT which validly claims priority to an application filed in the JPO or claims priority to a PCT application that contains no priority claims. It can also be a "bypass application" filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application validly claims priority to an application filed in the JPO or claims priority to a PCT application that contains no priority claims, or contains no priority claim;

(2) applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;

(3) all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);

- (4) examination of the U.S. application has not begun;
- (5) applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowability/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
- (6) applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PCT-PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Robert DeWitty, Petitions Attorney, Office of Petitions (571-272-8427). All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

This application will be forwarded to Technology Center Art Unit 2835 for action commensurate with this decision.



David Bucci  
Petitions Examiner  
Office of Petitions



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**K&L GATES LLP  
IP DOCKETING  
630 HANSEN WAY  
PALO ALTO CA 94304**

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**SEP 29 2011**

**OFFICE OF PETITIONS**

In re Application of  
**GREENBERG, Ralph**  
Application No. 12/857,500  
Filed: August 16, 2010  
Attorney Docket No. REST-001US

**DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed September 19, 2011.

The request is **NOT APPROVED**.

A review of the file record indicates that Customer Number 76082 does not have power of attorney in this patent application nor is there any statement or evidence of record of employment in or otherwise being engaged in the proceedings in this patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

All future communications from the Office will continue to be directed to the above-listed address until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4231.

Michelle R. Eason  
Paralegal Specialist  
Office of Petitions

cc: **MR. RALPH GREENBERG  
9636 CHERRY RIDGE ROAD  
SEBASTOPOL, CA 95472**





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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/857,501	08/16/2010	Takafumi TANAKA	NGTOSH.131AUS	4124
20995 7590 09/28/2011 KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614			EXAMINER GUSHI, ROSS N	
			ART UNIT 2833	PAPER NUMBER
			NOTIFICATION DATE 09/28/2011	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jcartee@kmob.com  
efiling@kmob.com  
eOAPilot@kmob.com



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**KNOBBE MARTENS OLSON & BEAR  
LLP  
2040 MAIN STREET  
FOURTEENTH FLOOR  
IRVINE CA 92614**

**In re Application of**

**Takafumi TANAKA**

**Application No.: 12/857501**

**Filed: 16 August 2010**

**Attorney Docket No.: NGTOSH.131AUS**

**For: CARD HOLDER AND**

**BROADCAST RECEIVING**

**APPARATUS HAVING CARD**

**HOLDER**

**: DECISION ON REQUEST TO  
: PARTICIPATE IN THE PATENT  
: PROSECUTION HIGHWAY  
: PROGRAM AND PETITION  
: TO MAKE SPECIAL UNDER  
: 37 CFR 1.102(a)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 20 July 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

**Discussion**

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application is

- a. a Paris Convention application which either
  - i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
  - ii. validly claims priority to a PCT application that contains no priority claims, or
- b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
  - i. validly claims priority to an application filed in the JPO, or
  - ii. validly claims priority to a PCT application that contains no priority claims, or
  - iii. contains no priority claim, or
- c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application

- i. validly claims priority to an application filed in the JPO, or
    - ii. validly claims priority to a PCT application that contains no priority claims, or
    - iii. contains no priority claim;
2. Applicant must submit a copy of:
  - a. The allowable/patentable claim(s) from the JPO application(s);
  - b. An English translation of the allowable/patentable claim(s) and
  - c. A statement that the English translation is accurate;
3. Applicant must:
  - a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
  - b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
  - a. Documentation of prior office action:
    - i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
    - ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
    - iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
  - b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
  - c. A statement that the English translation is accurate;
6. Applicant must submit:
  - a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
  - b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning this decision should be directed to Colleen Dunn at 571-272-1170.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

/Colleen Dunn/

Colleen Dunn  
Quality Assurance Specialist  
Technology Center 2800



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PATENT-SEA  
P.O. BOX 1247  
SEATTLE WA 98111-1247

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SEP 08 2010

**OFFICE OF PETITIONS**

In re Application of	:	
Roy E. McAlister	:	
Application No. 12/857,502	:	DECISION ON PETITION
Filed: August 16, 2010	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 695458047US	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 16, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement by an attorney on behalf of inventor Roy E. McAlister attesting to his age. The above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

Upon completion of the pre-examination processing by the Office of Patent Application Processing, this application will be referred to Technology Center 3748 for action on the merits commensurate with this decision.

/Kimberly Inabinet/

Kimberly Inabinet  
Petitions Examiner  
Office of Petitions

Doc Code: PPH.PCT.652

Document Description: Petition to make special under PCT-Patent Pros Hwy

PTO/SB/20PCT-KR (06-10)

Approved for use through 01/31/2012. OMB 0651-0058

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY – PATENT PROSECUTION  
HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY  
OFFICE (KIPO) AND THE USPTO**

Application No.:	12/857,502-Conf. #4125	Filing Date:	August 16, 2010
------------------	------------------------	--------------	-----------------

First Named Inventor:	Roy E. McAlister, P.E.
-----------------------	------------------------

Title of the  
Invention: ENERGY SYSTEM FOR DWELLING SUPPORT

**THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS  
MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT  
[HTTP://WWW.USPTO.GOV/EBC/DFS\\_HELP.HTML](http://www.uspto.gov/ebc/efs_help.html).**

**APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-  
IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.**

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

**The corresponding PCT  
application number(s) is/are:** PCT/US2010/045664

**The international date of the corresponding  
PCT application(s) is/are:** August 16, 2010

**I. List of Required Documents:**

- a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s).**

☒ Is attached.

☐ Is not attached because the document is already in the U.S. application.

- b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☒ Is attached.

☐ Is not attached because the document is already in the U.S. application.

- c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

# **REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO**

(continued)

Application No.:	12/857,502-Conf. #4125
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First Named Inventor:	Roy E. McAlister, P.E.
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d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☐ Is attached.

☒ Has already been filed in the above-identified U.S. application on July 14, 2011

**(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)**

☐ Are attached.

☒ Have already been filed in the above-identified U.S. application on July 14, 2011

## **II. Claims Correspondence Table:**

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-37	1-37	The claims pending in the US application are identical to the claims pending in the PCT Application.

**III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.**

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(54) Title: ENERGY SYSTEM FOR DWELLING SUPPORT

(57) Abstract: The present disclosure is directed to a system and method of providing energy to a dwelling. An engine is housed within an inner tank, which is in turn housed within an outer tank. The engine provides electricity which is used for a dwelling. Exhaust fumes from the engine are piped through a series of heat-exchanging tubes within the outer tank to heat potable water within the outer tank. Water enters the potable tank at a bottom of the tank, and warms as it rises through the outer tank toward an outlet near a top of the outer tank. Hot, potable water is provided from the top of the outer tank to the dwelling. Condensate from the exhaust is captured and used as potable water. Heat, vibration, and acoustic energy from the engine is captured by the fluid in the inner tank and transferred to the outer tank.

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## ENERGY SYSTEM FOR DWELLING SUPPORT

## CROSS-REFERENCE TO RELATED APPLICATION

**[0001]** The present application claims priority to and the benefit of U.S. Provisional Application No. 61/304,403, filed February 13, 2010 and titled FULL SPECTRUM ENERGY AND RESOURCE INDEPENDENCE; U.S. Patent Application No. 12/707,651, filed February 17, 2010 and titled ELECTROLYTIC CELL AND METHOD OF USE THEREOF; PCT Application No. PCT/ US10/24497, filed February 17, 2010 and titled ELECTROLYTIC CELL AND METHOD OF USE THEREOF; U.S. Patent Application No. 12/707,653, filed February 17, 2010 and titled APPARATUS AND METHOD FOR CONTROLLING NUCLEATION DURING ELECTROLYSIS; PCT Application No. PCT/ US10/24498, filed February 17, 2010 and titled APPARATUS AND METHOD FOR CONTROLLING NUCLEATION DURING ELECTROLYSIS; U.S. Patent Application No. 12/707,656, filed February 17, 2010 and titled APPARATUS AND METHOD FOR GAS CAPTURE DURING ELECTROLYSIS; PCT Application No. PCT/ US10/24499, filed February 17, 2010 and titled APPARATUS AND METHOD FOR CONTROLLING NUCLEATION DURING ELECTROLYSIS; and U.S. Provisional Patent Application No. 61/237,476, filed August 27, 2009 and titled ELECTROLYZER AND ENERGY INDEPENDENCE TECHNOLOGIES. Each of these applications is incorporated by reference in its entirety.

## BACKGROUND

**[0002]** The world economy is dependent upon energy generated by annual combustion of more than one million years of fossil accumulations such as coal, natural gas and oil. Present practices for producing electricity from fossil and nuclear fueled central power plants are very inefficient. Most electricity is produced by driving a generator with a heat engine such as a steam turbine or gas turbine that is fueled by coal and to a lesser extent by natural gas, oil, or nuclear fuels.

**[0003]** Original production of fossil hydrocarbons such as coal, oil and natural gas started with photosynthesis at a time in the distant past between 60 million and 500 million years ago. Biomass produced by photosynthesis is less than 1% efficient



and only a small amount of biomass became anaerobically processed in geological circumstances that resulted in preservation of fossil fuels. Thus burning a fossil fuel in a power plant that claims to be 40% to 60% efficient actually provides far less than 0.5% conversion of solar energy into electricity.

**[0004]** Enormous consumption of fossil fuels has enabled the U.S. to lead the world in economic development. Some 200 billion barrels of domestic oil and more or less equal energy equivalents as natural gas and coal have been burned. About 5% of the world's six billion humans in the U.S. consume 25% of world oil production, but U.S. reserves have been depleted to only 2% of total world reserves. Natural gas production has failed to keep pace with demand that has shifted from oil. Coal is now shipped great distances by rail car and slurry pipelines from cleaner mine deposits in efforts to meet environmental protection standards.

**[0005]** Ageing U.S. power plants import nuclear fuel and world supplies of fissionable fuels are declining in close correlation to the fossil hydrocarbon fuels. It would require more than 1,600 nuclear power plants to produce the 95 Quads of energy now consumed yearly by the U.S. Nuclear power is not a viable option.

**[0006]** Dwellings such as homes, office buildings and manufacturing plants typically purchase electricity from fossil fueled central power plants and use a fluid fuel such as natural gas or propane for space heating and water heating. Typical central power plants reject some 50-70% of the heat released by fossil fuel combustion as an accepted necessity of the thermodynamic cycles utilized by electricity utilities. If dwellings had access to the energy rejected from distant central power plants, virtually all of the space and water heating could be accomplished without incurring the cost, pollution, and resource depletion now incurred by burning a fossil fuel at the dwelling to produce these needs.

**[0007]** Most of the world's population is deprived of the standard of living typical in the U.S. because of the high cost of electricity production, water heating, and air conditioning as provided by central power plants, liquefied petroleum or oil fired water heaters, and electric powered air conditioners. As easily exploited fossil fuel supplies are depleted, conservation of energy becomes increasingly important to all nations.

**[0008]** Much of the world population suffers from occasional or incessant diseases due to air and water born pathogens and in other instances from inorganic

poisons such as radon, arsenic, and other heavy metals. Considerable loss of food value or contamination results from attack by rodents, bugs and inappropriate food preservation practices and causes disease and malnutrition. These problems have proven to be extremely difficult to solve.

**[0009]** Within the next decade the global economy must rapidly develop sustainable energy supplies or accept precipitous productivity losses. It is immoral to accept the hardships that will follow without a sustainable economy.

#### BRIEF DESCRIPTION OF THE DRAWINGS

**[0010]** Figure 1 is a partially schematic circuit diagram of an energy system for a dwelling according to several embodiments of the present disclosure.

**[0011]** Figure 2 is a cross sectional view of an exhaust tube according to several embodiments of the present disclosure.

**[0012]** Figure 3 is a partially schematic circuit diagram of an energy system for a dwelling according to several embodiments of the present disclosure.

**[0013]** Figure 4 is a cross sectional view of a tank for use with an energy system according to the present disclosure.

**[0014]** Figure 5 is a partially schematic diagram of an energy system according to several embodiments of the present disclosure.

#### SUMMARY OF THE INVENTION

**[0015]** The present disclosure is directed to an energy system for a dwelling, comprising an inner tank and a generator within the inner tank. The inner tank contains a first fluid surrounding at least a portion of the generator, and the generator is configured to produce electricity for the dwelling. In some embodiments, the energy system includes an outer tank containing at least a portion of the inner tank at least partially submerged within a second fluid, and an exhaust port operably coupled to the generator to receive exhaust fumes from the generator. The exhaust port can pass through the second fluid to exchange heat from the exhaust fumes to the second fluid. The energy system can further include a fluid outlet operably coupled to the outer tank to deliver the heated second fluid from the outer tank for use by the dwelling.

**[0016]** The present disclosure is further directed to a method for providing energy to a dwelling. The method comprises operating an engine positioned within a first tank containing a first fluid. The first fluid is configured to absorb energy from the engine in the form of at least one of acoustic, vibration, and heat energy. The method also includes passing exhaust fumes from the engine through an exhaust port, and exchanging heat from the exhaust fumes to a second fluid held within a second tank. At least a portion of the first tank is submerged within the second fluid within the second tank. In some embodiments, the second fluid is configured to absorb energy from the first fluid within the first tank.

**[0017]** The present disclosure is also directed to an energy system comprising an engine and generator for producing electricity and heat, and an exhaust line configured to receive exhaust from the engine. The system also includes a fluid storage tank through which the exhaust line passes to exchange heat with the fluid in the fluid storage tank. The system further includes a condensation collector for collecting water condensed in the exhaust line, and a heat exchanger operably connected to the fluid storage tank and configured to receive the fluid from the fluid storage tank and deliver heat from the fluid to a dwelling.

#### DETAILED DESCRIPTION

**[0018]** The present application incorporates by reference in its entirety the subject matter of U.S. Provisional Patent Application No. 60/626,021, filed November 9, 2004 and titled MULTIFUEL STORAGE, METERING AND IGNITION SYSTEM (Attorney Docket No. 69545-8013US) and U.S. Provisional Patent Application No. 61/153,253, filed February 17, 2009 and titled FULL SPECTRUM ENERGY (Attorney Docket No. 69545-8001US). The present application also incorporates by reference in their entirety the subject matter of each of the following U.S. Patent Applications, filed concurrently herewith on August 16, 2010 and titled: METHODS AND APPARATUSES FOR DETECTION OF PROPERTIES OF FLUID CONVEYANCE SYSTEMS (Attorney Docket No. 69545-8003US); COMPREHENSIVE COST MODELING OF AUTOGENOUS SYSTEMS AND PROCESSES FOR THE PRODUCTION OF ENERGY, MATERIAL RESOURCES AND NUTRIENT REGIMES (Attorney Docket No. 69545-8025US); ELECTROLYTIC CELL AND METHOD OF USE THEREOF (Attorney Docket No. 69545-8026US); SUSTAINABLE ECONOMIC

DEVELOPMENT THROUGH INTEGRATED PRODUCTION OF RENEWABLE ENERGY, MATERIALS RESOURCES, AND NUTRIENT REGIMES (Attorney Docket No. 69545-8040US); SYSTEMS AND METHODS FOR SUSTAINABLE ECONOMIC DEVELOPMENT THROUGH INTEGRATED FULL SPECTRUM PRODUCTION OF RENEWABLE ENERGY (Attorney Docket No. 69545-8041US); SUSTAINABLE ECONOMIC DEVELOPMENT THROUGH INTEGRATED FULL SPECTRUM PRODUCTION OF RENEWABLE MATERIAL RESOURCES (Attorney Docket No. 69545-8042US); METHOD AND SYSTEM FOR INCREASING THE EFFICIENCY OF SUPPLEMENTED OCEAN THERMAL ENERGY CONVERSION (SOTEC) (Attorney Docket No. 69545-8044US); GAS HYDRATE CONVERSION SYSTEM FOR HARVESTING HYDROCARBON HYDRATE DEPOSITS (Attorney Docket No. 69545-8045US); APPARATUSES AND METHODS FOR STORING AND/OR FILTERING A SUBSTANCE (Attorney Docket No. 69545-8046US); ENERGY CONVERSION ASSEMBLIES AND ASSOCIATED METHODS OF USE AND MANUFACTURE (Attorney Docket No. 69545-8048US); and INTERNALLY REINFORCED STRUCTURAL COMPOSITES AND ASSOCIATED METHODS OF MANUFACTURING (69545-8049US).

**[0019]** Many of the details, dimensions, angles, shapes, and other features shown in the Figures are merely illustrative of particular embodiments of the disclosure. Accordingly, other embodiments can have other details, dimensions, angles, and features without departing from the spirit or scope of the present disclosure. In addition, those of ordinary skill in the art will appreciate that further embodiments of the disclosure can be practiced without several of the details described below.

**[0020]** Reference throughout this specification to "one embodiment" or "an embodiment" means that a particular feature, structure, or characteristic described in connection with the embodiment is included in at least one embodiment of the present disclosure. Thus, the occurrences of the phrases "in one embodiment" or "in an embodiment" in various places throughout this Specification are not necessarily all referring to the same embodiment. Furthermore, the particular features, structures, or characteristics may be combined in any suitable manner in one or more embodiments. In addition, the headings provided herein are for convenience only and do not interpret the scope or meaning of the claimed disclosure.

**[0021]** Figure 1 shows an energy system 100 according to several embodiments of the present disclosure. The energy system 100 includes an engine 110 and a generator 112 held within an inner tank 114. The engine 110 can include a fuel line 118 and an air intake 120 that extend out of the inner tank 114 to provide needed materials, such as fuel and air, to the engine 110. The fuel line 118 can include an appropriate valve 118a and flow-regulator 118b, and other appropriate fuel management equipment. Additional details about the fuel delivery and management equipment are disclosed in copending U.S. Patent Application No. 09/128,673 titled "ENERGY CONVERSION SYSTEM," which is incorporated herein in its entirety. The air intake 120 can include an upwardly extending pipe 120a and an air filter 120b at an end of the pipe 120a. In some embodiments, the engine 110 comprises an internal combustion engine 110. The engine 110 and generator 114 can include a flywheel to start and stabilize rotation of the engine 110, and to provide electricity after the engine 110 reaches a desired speed of operation. The engine 110 and generator 112 can provide energy in the form of electricity for a dwelling or other small or moderate-scale consumption unit such as a store or outpost. An inverter 115 can receive electricity from the generator 112 and convert the electricity into an appropriate format for use by the dwelling. The inner tank 114 can include tubular walls 114a extending upward above the engine 110. The inner tank 114 can include a vent 114b atop the inner tank 114, which may include a roof (not shown) or other closure on the vent 114.

**[0022]** The inner tank 114 can be filled (or substantially filled) with a fluid 116 such as a suitable low vapor pressure fluid. For example, the fluid 116 can be a high temperature silicone, fluorocarbon, or suitable eutectic solution (or a mixture thereof) that can provide sound attenuation and heat-transfer. In some embodiments, the fluid 116 can include a self-extinguishing fluid, or a fire proof fluid to buoy exhaust fluid or leaked fuel or lubricant from the engine 110 to a surface of the fluid 116 to be vented out of the system 100. The fluid 116 can also include a dielectric fluid to provide added insulation of high voltage leads from generator 112 and of accompanying circuitry and cabling. The fluid 116 can also include sulfur hexafluoride, sand, aluminum or steel balls, potassium hydroxide, or other media that provides for noise attenuation and improved fire proofing of the assembly by forcing displacement of leaked vapors, smothering by displacement of air or other oxidants, and by providing

quenching capacity. The term "fluid" as used herein includes liquids and particulate solids such as sand or metal balls. In embodiments including particulate solids, a mixture of sizes of particulates can be used to fit within spaces and openings of various sizes within the inner tank 114.

**[0023]** The inner tank 114 can be within an outer tank 150 that can be filled with a fluid 152. In some embodiments, the fluid 152 is potable water. The outer tank 150 can be made of a polymer-lined composite that is reinforced by high strength fiber glass, carbon or polymer windings. This construction enables the tank 150 to be inherently insulated and corrosion resistant for an extremely long service life. The outer tank 150 can include an inlet 154 at a base of the outer tank 150, and an outlet 156 at a top of the tank 150. The engine 114 can include an exhaust port 158 connected to a heat-exchanging tube 160. The tube 160 can wind throughout the outer tank 150 in a helical or other appropriate fashion to transfer heat from the exhaust within the tube 160 to the fluid 152 within the outer tank 150. In the embodiment pictured in Figure 1, the heat-exchanging tube 160 winds helically about a generally vertical axis within a generally cylindrical outer tank 150. In other embodiments, other arrangements are possible to achieve an appropriate level of heat exchange between the exhaust in the tube 160 and the fluid 152 in the tank 150.

**[0024]** The outer tank 150 can also include a condensation collector 162 at an exit of the tube 160 to collect condensation 161 from the exhaust. In embodiments in which the engine 110 uses hydrogen as fuel, approximately nine pounds of distilled quality water are produced from each pound of hydrogen that is used as fuel in the engine 110. In some embodiments, the engine 110 can produce water and heat according to equations 1 and 2 below:

**[0025]**  $H_2 + 1/2O_2 \rightarrow H_2O + HEAT1$  Equation 1

**[0026]** 1 lb hydrogen + 8 lbs oxygen  $\rightarrow$  9 lbs water Equation 2

**[0027]** In other embodiments, a hydrocarbon fuel such as a fuel alcohol, liquefied petroleum, fuel oil, or methane produced from sewage, garbage, farm wastes and other sources is used. Water may be condensed from the products of combustion as shown by the processes summarized in Equations 3 and 4.

**[0028]**  $HxCy + yO_2 \rightarrow xH_2O + yCO_2 + HEAT3$  Equation 3

**[0029]**  $CH_4 + 2O_2 \rightarrow 2H_2O + CO_2 + HEAT4$  Equation 4

**[0030]** In many areas of the world serious loss of productivity and misery results from chronic illnesses and shortened life spans that are caused by bad water. Collection of water from the exhaust products of the energy conversion process is extremely important for assisting communities that are troubled with water-borne pathogens or in which ground water is unsuitable due to arsenic, lead, radon, or other inorganic poisons. The system 100 provides for safe and clean collection of about one gallon of water per pound of hydrogen that is used as fuel in a fuel cell or engine and does so in a cascade of energy utilization events that greatly improve the quality of life while conserving energy supplies.

**[0031]** The arrangement of the inner tank 114 and the outer tank 150 advantageously encases energy from the engine 110 and transfers the energy to the fluids 116, 152 in the tanks 114, 150. The outer tank 150 can be a vessel such as a cylinder, or as a cylinder with baffles, or as a vessel with heat transfer fins inside and or outside, or as a vessel with provisions for depressing convective flow of heated fluids in the tank 150. Heat, sound, and vibration are therefore not transmitted substantially out of the system 100, but are used to heat and/or pressurize the fluid 152 within the outer tank 150. In some embodiments, the fluid 152 is hot, potable water that can be used by the dwelling. The outlet 156 can be connected to appropriate plumbing ports in the dwelling. The outlet 156 can include a sensor (not shown) that triggers the outlet 156 to release pressure from the outer tank 150 if the pressure or temperature reaches a threshold pressure.

**[0032]** Several particularly synergistic and beneficial results are provided by the system 100. For example, the heat and vibration energy caused by pulse combustion, as well as the noise, are substantially captured as heat in the fluid 152 for productive use. Additionally, some combustion processes can produce large amounts of water in the exhaust. The system 100 can capture this water, which is generally clean and usable, for productive use. These benefits are applicable to virtually any engine type, including combustion engines and fuel cells. The engine 110 can be a fuel cell that produces water and noise that are likewise captured as clean water and energy, respectively, in the fluid 152.

**[0033]** Figure 2 shows a cross-sectional view of the heat-exchanging tube 160. In some embodiments, the tube 160 can be a flattened tube 160. In some embodiments, the outer tank 150 can contain fins or channels that generally follow

the path of the tube 160 through the tank 150. The current from the inlet 154 to the outer 156 can therefore run counter to the path of the exhaust within the tube 160. Accordingly, the width and height dimensions,  $w$  and  $h$ , may vary as needed to assure that inlet water does not travel in convective or other paths but moves in a countercurrent heat exchanging arrangement.

**[0034]** In some embodiments, the tube 160 can be a bowed tube with a generally crescent overall cross sectional shape in which the middle portion is bowed upward to assist in directing the flow of heated and thus expanded water to be kept within the bowed underside of the tube 160 by buoyant forces. The tube 160 can fit within the outer tank 150 with the tube 160 winding helically throughout the tank 150, while leaving a countercurrent path through the tank 150 along which fluid 152 can pass from the inlet 154 to the outlet 156. This arrangement increases the efficiency of the system, and allows the fluid 152 to reach a reliable, consistent temperature at the outlet 156.

**[0035]** Figure 3 shows a system 200 according to several embodiments of the present disclosure. The system 200 includes an engine 210 and a generator 212. The engine 210 can be an internal combustion engine, a fuel cell, or any other appropriate engine type. The engine 210 includes input lines 210a to provide the engine 210 with materials such as fuel, air, hydrogen, or any other appropriate material for use in the engine 210. The fuel can be delivered through the input lines 210a as described in copending patent application entitled "FULL SPECTRUM ENERGY AND RESOURCE INDEPENDENCE," referenced above, and incorporated by reference in its entirety. The generator 212 can be coupled to the engine 210 to convert energy from the engine 210 to electricity. The system 200 can include an inverter 212a and other suitable electrical equipment 212b, such as cabling, electrolyzers, batteries, capacitors, etc., to deliver electricity from the generator 212 to a dwelling.

**[0036]** The system 200 can also include an exhaust line 214, a heat exchanger 215, and an oven 216. The heat exchanger 215 can transfer heat from the exhaust to the oven 216. The oven 216 can include several ovens of cascading heat levels, connected by a network of heat exchangers. For example, the oven 216 can include a first oven 216a that receives the exhaust heat first; a second oven 216b that receives the heat from the first oven 216a; and a third oven 216c that receives the



heat from the second oven 216c. The air in the oven 216 can be distributed among the several ovens 216a, 216b, and 216c through a series of valves and regulators 217. The first oven 216a can be used to cook at the highest desirable temperatures, for example for a pizza oven. The second oven 216b can be used to cook at a slightly lower temperature, and the third oven 216c can be used to cook at an even lower temperature, such as to dry or preserve food. At least one of the ovens 216 can include a microwave oven. The oven 216 can include a desiccant filter (not shown) to dry air within the oven 216. The desiccant filter can be periodically refreshed using hot exhaust from the engine 210. Drying of fruits, meats and vegetables offer healthful, energy conserving, and advantageous alternatives for food preservation and compact storage. The system 200 provides quick and disease vector-free drying and preservation of food.

**[0037]** The system 200 also includes a tank 220 through which the exhaust line 214 can pass to heat fluid, such as water, in the tank 220 after the exhaust passes through the oven 216. In some embodiments, a suitable corrosion resistant material such as stainless steel can be used for construction of heat exchanger 215 and the tube 214. Alternative materials for the heat exchanger 215 include high temperature polymers which provide cost effective anticorrosion benefits. The tube 214 can be made of polyester, silicone, and/or fluoropolymers. The arrangement of the exhaust line 214 and tank 220 can be generally similar to the system 100 described above with reference to Figure 1 above. The system 200 can include a condensation collector 221 near an exhaust port. In some embodiments, for example where sound, heat, and vibration attenuation are a priority, the engine 210 and generator 212 can be situated within an inner tank (not shown) that is in turn found within the tank 220 in a manner generally similar to the system 100 described in connection with Figure 1. The fluid in the tank 220 can be potable water, and can be used for drinking, bathing, washing etc. within the dwelling. In some embodiments, the water (or other fluid) can be used to heat the dwelling as well. The tank 220 can include an outlet 222 connected to a heat exchanger 224 including a series of tubes winding through walls, a ceiling, and a floor of a dwelling. The dwelling can include insulation between the heat exchanger 224 and an external surface of the dwelling, but can be transmissive to heat to the interior of the dwelling. The water can return from the heat exchanger 224 to the tank 220, or it can be used in the dwelling as potable water. The tank 220

can be constructed to produce and keep hottest water at the top of tank 220 and coldest water at the bottom of tank 220 by depressing or preventing mixing due to entering water momentum and/or convective currents.

**[0038]** Provision of a series of heat utilizations at cascading temperatures starting with internal combustion or high temperature fuel cell operation followed by thermochemical regeneration of primary fuels to more energy yielding fuel species, heat exchange for cooking food, drying food, heating water, and using heated water in a fan coil or floor heating system greatly improves over conventional dwelling support practices. Overall energy utilization efficiency is increased compared to present practices. Energy security along with assured water production and pasteurization or sterilization are provided as inherent benefits.

**[0039]** Figure 4 illustrates a cross-sectional view of a tank 300 according to embodiments of the present disclosure. The tank 300 can be made of metal or a polymer such as polyvinylidene fluoride or perfluoroalkoxy. The tank 300 can include a central shaft 310 that can be hollow or solid, and can include an axial tubular member 314. In some embodiments, the bore of the shaft 310 can be used as a central conduit for connecting appropriate delivery tubes to pump to and from various locations within energy systems 100 and 200, and to external destinations. A helical tube 312 can extend around the shaft 310 within the tank 300. Figure 4 illustrates the tube 312 conceptually as a line; however, it is to be understood that the tube 312 can have any appropriate dimension within the tank 300. The helical shape of the tube 312 can reinforce the tank 300 from within. The tank 300 can be rapidly manufactured by forming a polymer tube in the helical form shown in Figure 4 (which may or may not include forming around and bonding to a shaft 310). An impermeable liner 316 can be thermoformed over and bonded to the outside surfaces of the tube 312. The tank 300 can include an overwrap 318 made of fiberglass, oriented polyolefin, oriented polyester, and/or graphite fiber in a suitable thermoset such as epoxy. In embodiments in which a central shaft 310 is incorporated, end reinforcements such as conformal bulkheads 320 and 322 can provide axial load spreading and reinforcement along with mounting provisions. Bonding shaft 310 to bulkheads 320 and 322 or providing load transfer by threaded fasteners or similar attachment thus provides axial arrestment of pressure stresses in the tank 300.

**[0040]** Figure 5 illustrates an energy system 400 for a dwelling or other consumption unit according to embodiments of the present disclosure. The system 400 includes solar panels 402 that receive solar energy and convert the energy into heat and electricity for the dwelling. The heat can be removed from the solar panels 402 by a working fluid such as air and/or water by passing the fluid from a first manifold 404a to a second manifold 404b. The system 400 can also include an engine 410 and a generator 412 similar to systems 100 and 200 described above. Exhaust from the engine 410 and generator 412 can be transferred to a heat exchanger 414 within a container 416. The container 416 can be any compartment in which heat from exhaust can be used, including an oven or a heating unit for a dwelling. The heat exchanger 414 can use countercurrent air by moving two fluids against one another as illustrated by arrows 414a. Alternatively, the exhaust can be passed through a thermal storage tank 418. The thermal storage tank 418 may contain a high specific heat media 419 and/or a change of phase substance such as Glauber salt ( $\text{Na}_2\text{SO}_4 \cdot 10\text{H}_2\text{O}$ ) or paraffin to heat or cool fluid adaptively circulated through the thermal storage tank 418. The manifolds 404a, 404b can direct heat from the solar panels 402 to the thermal storage tank 418 for later use elsewhere.

**[0041]** The system 400 can include a tank 430, and exhaust tubes 432 that pass through the tank 430, and a condensation collector 434, similar to the systems 100, 200 described above with reference to Figures 1 and 3. The fluid in the tank 430 can be heated from the exhaust from the engine 410, or from the thermal storage tank 418 as needed. The tank 430 can include heat storage coils 431 surrounding the tank 430. The hot fluid in the tank 430 can be cycled to a heat exchanger 440 in a floor or wall of a dwelling to heat the dwelling before returning to the tank 430. The system 400 can include a controller 420 that provides control of the engine 410 and/or generator 412, and sensors that receive temperature and/or humidity information. The controller 420 can adaptively control circulation of working fluids in various portions of the system 400. The system 400 can also include a geothermal storage return bend 442 that extends below the surface of the earth where temperatures are generally more moderate than at the surface of the earth. The fluid in the return bend 442 can be moved by a pump 444 or other appropriate pressurizing equipment. The heat exchanger 440 can exchange heat to the return bend 442, which can transfer the heat to a geothermal bank below the surface of the earth. The system 400 can

circulate well water or water that has been cooled in a heat exchanger (not shown) that is buried in the soil at a sufficient depth to allow the water circulated in heat exchanger 440 to achieve the mean annual air temperature. In most continents the saturated zone of a ground water aquifer remains very close to the mean annual air temperature plus one degree for each 80' of overburden to the surface. During cold weather months, this ground water is warmer than the ambient air temperature. During warm weather months, the ground water is often 20° F to 40° F cooler than the ambient air temperature and readily serves as a heat sink for cooling a dwelling. Similarly in areas near deep ocean water it is often found that adequately cool water is available from the ocean depths to readily cool a dwelling.

**[0042]** Unless the context clearly requires otherwise, throughout the description and the claims, the words "comprise," "comprising," and the like are to be construed in an inclusive sense as opposed to an exclusive or exhaustive sense; that is to say, in a sense of "including, but not limited to." Words using the singular or plural number also include the plural or singular number, respectively. When the claims use the word "or" in reference to a list of two or more items, that word covers all of the following interpretations of the word: any of the items in the list, all of the items in the list, and any combination of the items in the list.

**[0043]** The various embodiments described above can be combined to provide further embodiments. All of the U.S. patents, U.S. patent application publications, U.S. patent applications, foreign patents, foreign patent applications and non-patent publications referred to in this specification and/or listed in the Application Data Sheet are incorporated herein by reference, in their entirety. Aspects of the disclosure can be modified, if necessary, to employ fuel injectors and ignition devices with various configurations, and concepts of the various patents, applications, and publications to provide yet further embodiments of the disclosure.

**[0044]** These and other changes can be made to the disclosure in light of the above-detailed description. In general, in the following claims, the terms used should not be construed to limit the disclosure to the specific embodiments disclosed in the specification and the claims, but should be construed to include all systems and methods that operate in accordance with the claims. Accordingly, the invention is not limited by the disclosure, but instead its scope is to be determined broadly by the following claims.

## CLAIMS

We claim:

- [c1] 1. An energy system for a dwelling, comprising:  
an inner tank;  
a generator within the inner tank, wherein the inner tank contains a first fluid surrounding at least a portion of the generator, the generator being configured to produce electricity for the dwelling;  
an outer tank containing at least a portion of the inner tank at least partially submerged within a second fluid;  
an exhaust port operably coupled to the generator to receive exhaust fumes from the generator, the exhaust port passing through the second fluid to exchange heat from the exhaust fumes to the second fluid; and  
a fluid outlet operably coupled to the outer tank to deliver the heated second fluid from the outer tank for use by the dwelling.
- [c2] 2. The energy system of claim 1 wherein the fluid in the outer tank comprises potable water.
- [c3] 3. The energy system of claim 1 wherein the first fluid comprises at least one of high-temperature silicone, fluorocarbon, a eutectic solution, a self-extinguishing fluid, a dielectric fluid, sulfur hexafluoride, sand, potassium hydroxide, or metal balls.
- [c4] 4. The energy system of claim 1 wherein the exhaust port comprises an exit port and a fluid collector configured to collect water from the exhaust fumes.
- [c5] 5. The energy system of claim 1, further comprising  
a fuel line configured to deliver fuel to the generator;  
an air intake configured to deliver air to the generator, wherein the generator comprises a combustion engine; and  
an inlet to the outer tank positioned at a bottom of the outer tank.

- [c6] 6. The energy system of claim 1 wherein the exhaust port comprises a helical tube passing through the outer tank.
- [c7] 7. The energy system of claim 1 wherein the exhaust port comprises an elongated tube having a crescent-shaped cross section to improve heat transfer from the exhaust fumes to the second fluid.
- [c8] 8. The energy system of claim 1 wherein  
the outer tank comprises a generally cylindrical, upright tank;  
the inner tank is positioned generally centrally within the outer tank near a top of the outer tank;  
the exhaust port comprises an elongated tube extending helically about an axis at least generally parallel with the cylindrical, upright outer tank.
- [c9] 9. The energy system of claim 1 wherein the inner tank comprises an upper vent, and wherein vapors from the first fluid migrate toward a surface of the first fluid and out of the upper vent.
- [c10] 10. The energy system of claim 1 wherein the fluid outlet further comprises a pressure sensor configured to release a portion of the second fluid from the outer tank if pressure within the outer tank reaches a threshold pressure.
- [c11] 11. The energy system of claim 1 wherein the inner tank is configured to absorb heat, vibration, and acoustic energy from the generator and transfer the energy to the second fluid as heat.
- [c12] 12. The energy system of claim 1 wherein the generator receives energy from an engine, and stores at least a portion of the energy in a flywheel.
- [c13] 13. The energy system of claim 1, further comprising a solar panel and a heat exchanger configured to remove heat from the solar panel and transfer the heat to the second fluid.

- [c14] 14. The energy system of claim 1, further comprising a heat exchanger configured to receive the second fluid and transfer heat from the second fluid to a dwelling.
- [c15] 15. The energy system of claim 14 wherein the heat exchanger comprises a series of tubes through which the second fluid passes, and wherein the series of tubes are positioned in an interior surface of the dwelling.
- [c16] 16. The energy system of claim 1 wherein the exhaust port comprises a tube formed into a helical shape, and wherein the outer tank comprises a cover wrapped over an outer circumference of the helical shape.
- [c17] 17. The energy system of claim 16 wherein the cover is made from at least one of fiberglass, oriented polyolefin, oriented polyester, and graphite fiber in a suitable thermoset epoxy.
- [c18] 18. The energy system of claim 1, further comprising a thermal storage tank configured to receive heat from the exhaust fumes and store the heat, wherein the thermal storage tank is made of at least one of Glauber salt ( $\text{Na}_2\text{SO}_4 \cdot 10\text{H}_2\text{O}$ ) or paraffin.
- [c19] 19. The energy system of claim 1 wherein the exhaust port is configured to transfer heat from the exhaust to an oven.
- [c20] 20. The energy system of claim 19 wherein the oven comprises a plurality of ovens, and wherein the ovens are connected by a heat exchanger network configured to exchange heat between the plurality of ovens.
- [c21] 21. A method for providing energy to a dwelling, comprising:  
operating an engine, the engine being positioned within a first tank containing a first fluid, wherein the first fluid is configured to absorb energy from the engine in the form of at least one of acoustic, vibration, and heat energy;  
passing exhaust fumes from the engine through an exhaust port; and  
exchanging heat from the exhaust fumes to a second fluid held within a second tank, wherein at least a portion of the first tank is submerged within the

second fluid within the second tank, and wherein the second fluid is configured to absorb energy from the first fluid within the first tank.

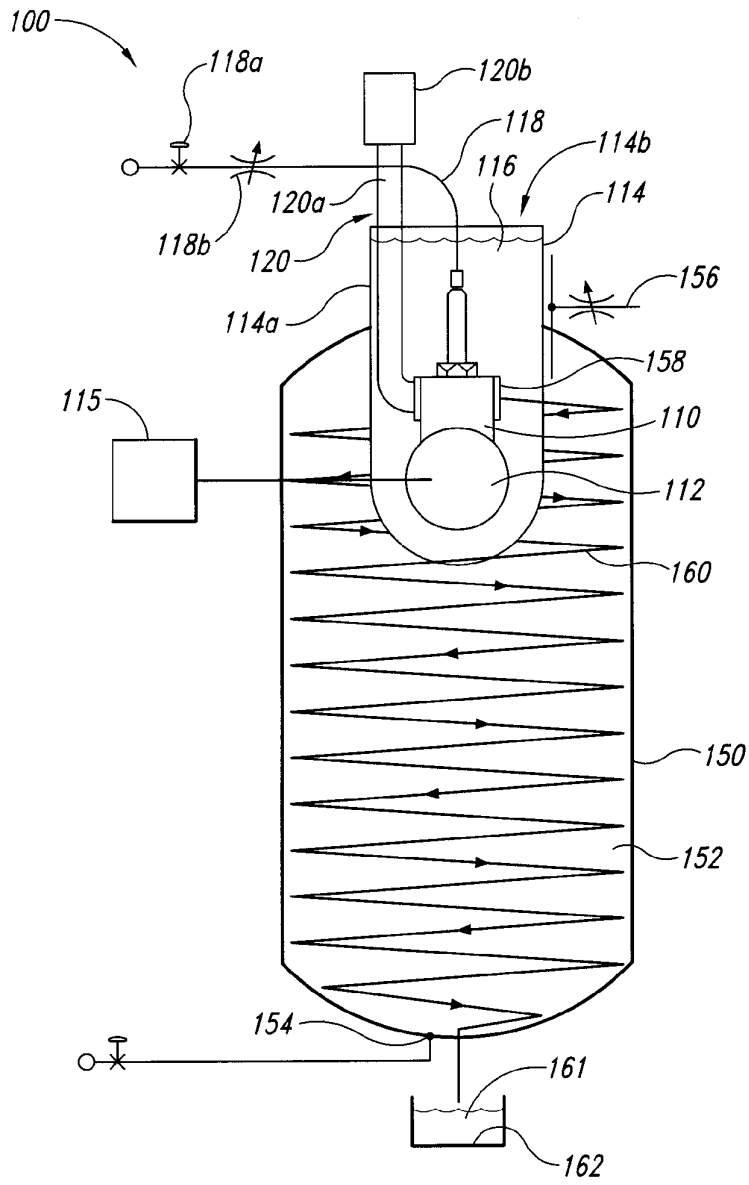
- [c22] 22. The method of claim 21 wherein the second fluid comprises potable water, the method further comprising dispensing the potable water from the second tank after exchanging the heat from the exhaust fumes to the potable water.
- [c23] 23. The method of claim 21 wherein operating the engine comprises running a generator configured to provide electricity for the dwelling.
- [c24] 24. The method of claim 21 wherein the engine comprises an internal-combustion engine.
- [c25] 25. The method of claim 21 wherein the engine comprises a solar panel.
- [c26] 26. The method of claim 21, further comprising transferring heat from the second fluid to the dwelling.
- [c27] 27. The method of claim 26 wherein transferring heat from the second fluid to the dwelling comprises:  
pumping the heated, second fluid from the second tank through a series of tubes near an internal surface of the dwelling such that heat from the second fluid is transferred to the dwelling; and  
returning the second fluid to the second tank after the second fluid has transferred heat to the dwelling through the internal surface of the dwelling.
- [c28] 28. The method of claim 21, further comprising cycling the second fluid from the second tank to a geothermal bank.
- [c29] 29. The method of claim 21, further comprising venting vapor from the first tank to an external environment.



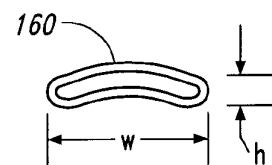
- [c30] 30. The method of claim 21, further comprising collecting condensed water from the exhaust fumes.
- [c31] 31. The method of claim 21, further comprising:  
powering an external device with the engine; and  
transferring heat from the external device to the second fluid in the second tank.
- [c32] 32. The method of claim 21, further comprising transferring heat from the exhaust fumes to an external device to power the external device.
- [c33] 33. An energy system, comprising:  
means for generating electricity and heat;  
an exhaust line configured to receive exhaust from the means for generating electricity and heat;  
a fluid storage tank configured to store a fluid, wherein the exhaust line passes through the fluid storage tank to exchange heat with the fluid in the fluid storage tank;  
means for collecting water condensed in the exhaust line; and  
a heat exchanger operably connected to the fluid storage tank and configured to receive the fluid from the fluid storage tank and deliver heat from the fluid to a dwelling.
- [c34] 34. The energy system of claim 33 wherein the heat exchanger is within an interior surface of the dwelling.
- [c35] 35. The energy system of claim 33, further comprising an inverter operably coupled to the means for generating electricity, the inverter being configured to deliver the electricity to the dwelling.
- [c36] 36. The energy system of claim 33 wherein the heat exchanger comprises a geothermal storage return bend extending into the earth and configured to transfer heat from the dwelling to the earth through the geothermal storage return bend.

- [c37] 37. The energy system of claim 33 wherein the means for generating electricity and heat is held within the fluid storage tank, and wherein the fluid storage tank is configured to absorb heat and vibration energy from the means for generating electricity and heat.

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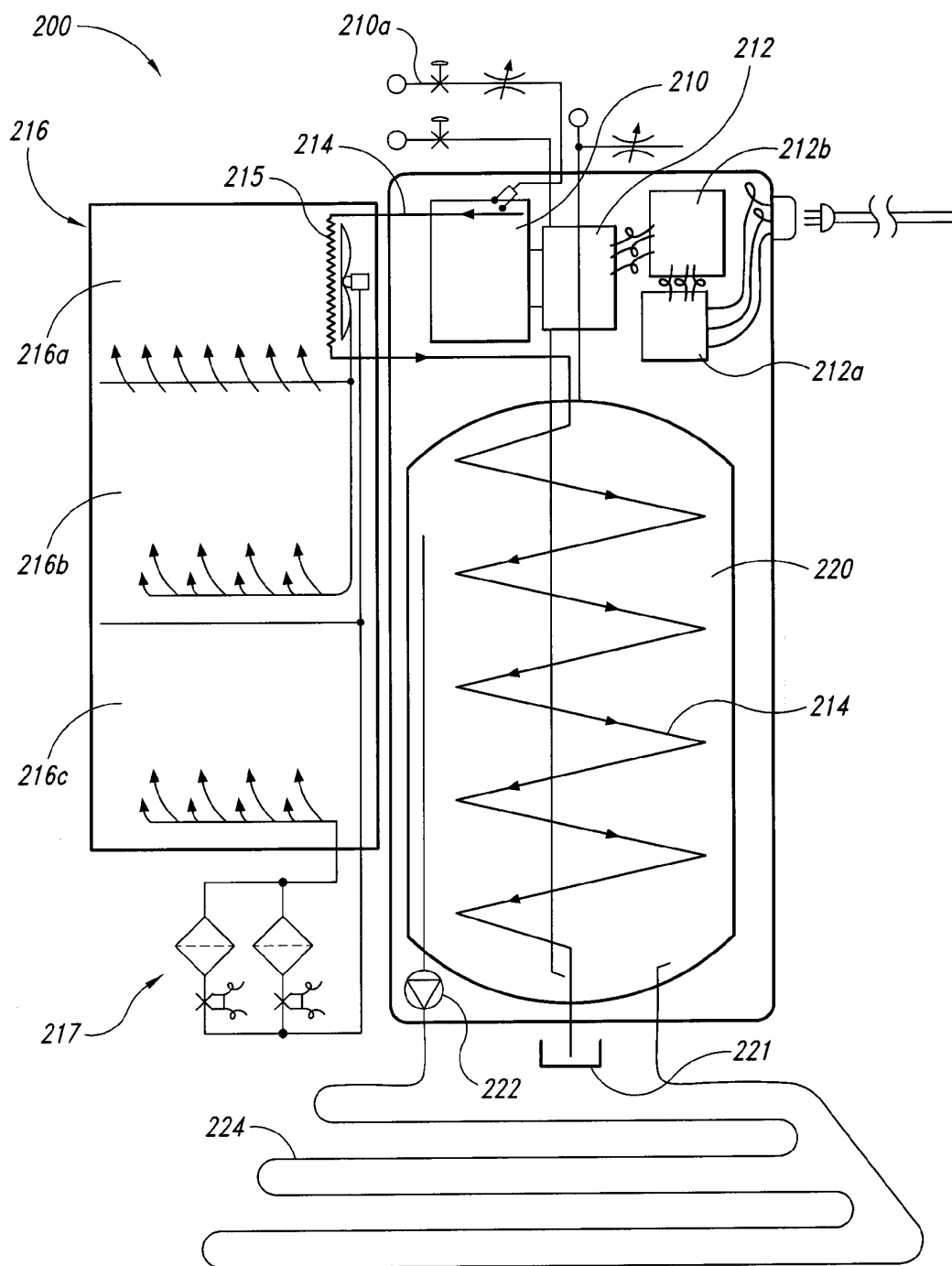


*Fig. 1*

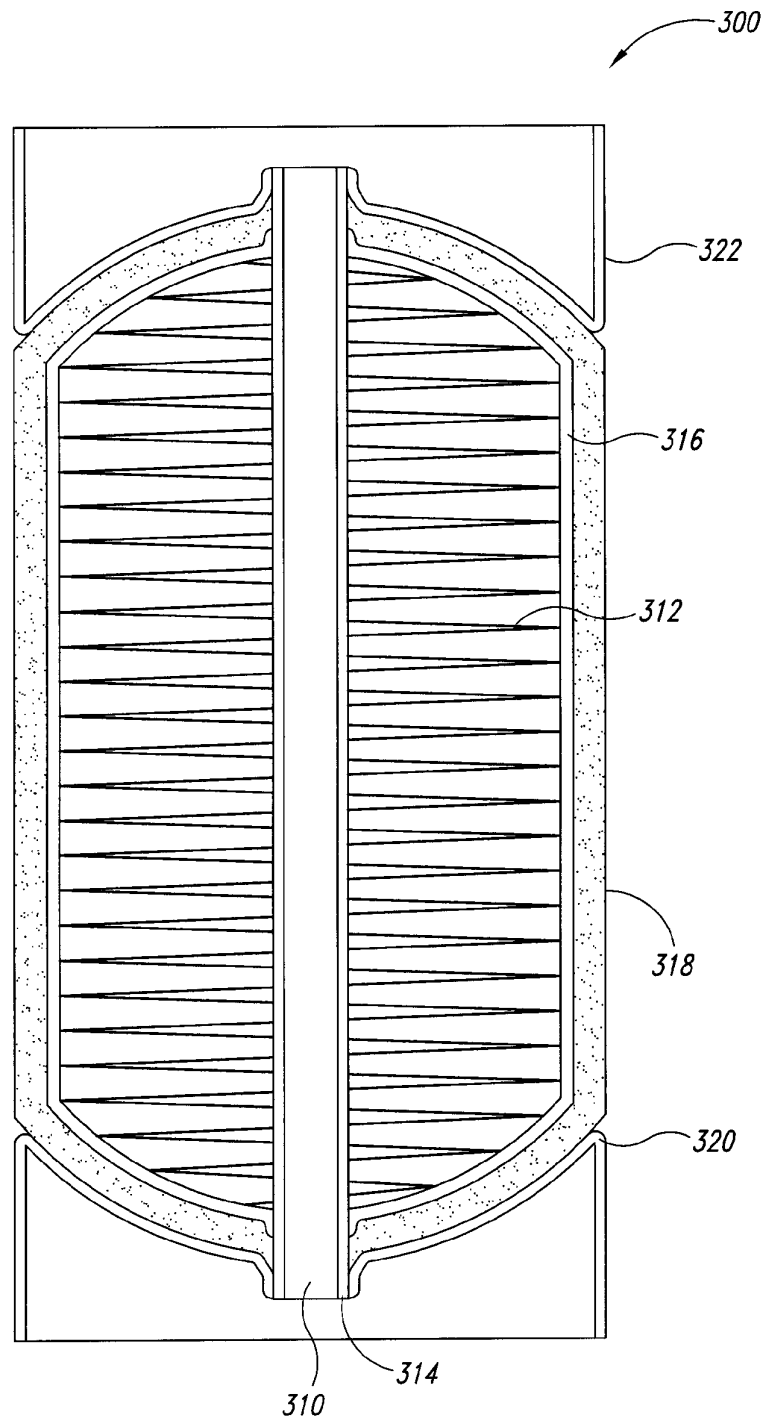


*Fig. 2*

2/4

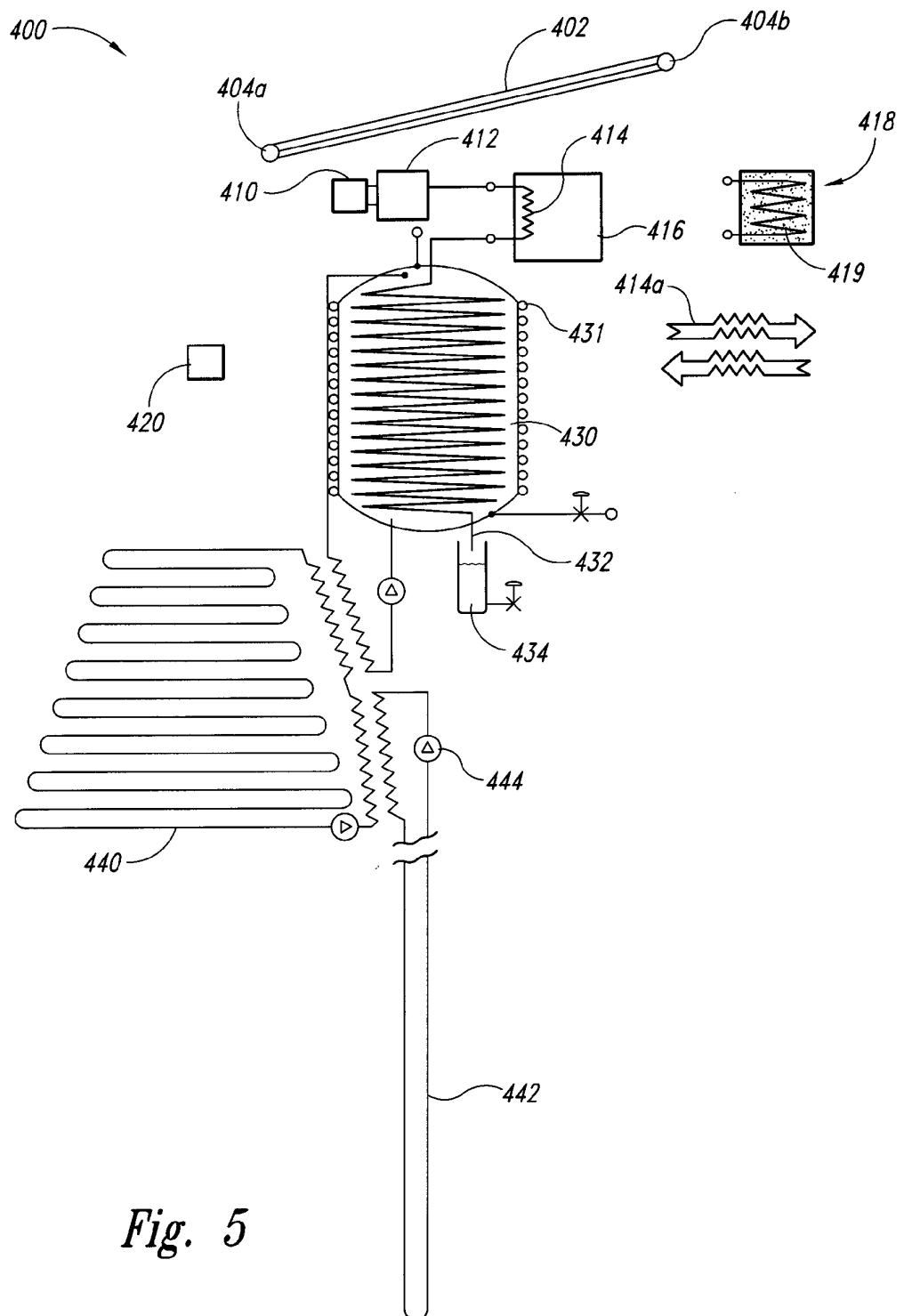
*Fig. 3*

3/4



*Fig. 4*

4/4

*Fig. 5*

## PATENT COOPERATION TREATY

69545-8504.WOOD  
DJH/NK

From the INTERNATIONAL SEARCHING AUTHORITY

To:

BETCHER SUSAN D.

PERKINS COIE LLP P.O.BOX 1247 SEATTLE WA 98111-  
1077 USARECEIVED  
PATENT DOCKETING

APR 21 2011

PERKINS COIE LLP

DOCKETED TO CPI

6-15-11  
7-15-11

- ☒ Deadline  
☐ Follow up  
☐ Previously  
☐ Abandoned  
☐ Transferred  
☐ Docketed

PCT

NOTIFICATION OF TRANSMITTAL OF  
THE INTERNATIONAL SEARCH REPORT AND  
THE WRITTEN OPINION OF THE INTERNATIONAL  
SEARCHING AUTHORITY, OR THE DECLARATION

(PCT Rule 44.1)

Applicant's or agent's file reference 695458047WO	Date of mailing (day/month/year) 15 APRIL 2011 (15.04.2011)
International application No. <b>PCT/US2010/045664</b>	International filing date (day/month/year) <b>16 AUGUST 2010 (16.08.2010)</b>
Applicant <b>MCALISTER, ROY E.</b>	

1. ☒ The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority have been established and are transmitted herewith.  
**Filing of amendments and statement under Article 19:**  
The applicant is entitled, if he so wishes, to amend the claims of the international application (see Rule 46):  
**When?** The time limit for filing such amendments is normally two months from the date of transmittal of the international search report.  
**Where?** Directly to the International Bureau of WIPO, 34 chemin des Colombettes  
1211 Geneva 20, Switzerland, Facsimile No.: +41 22 338 82 70  
For more detailed instructions, see *PCT Applicant's Guide*, International Phase, paragraphs 9.004 . 9.011.
2. ☐ The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.
3. ☐ With regard to any protest against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:  
☐ the protest together with the decision thereon has been transmitted to the International Bureau together with any request to forward the texts of both the protest and the decision thereon to the designated Offices.  
☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

## 4. Reminders



The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. Following the expiration of 30 months from the priority date, these comments will also be made available to the public.

Shortly after the expiration of 18 months from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau before the completion of the technical preparations for international publication (Rules 90bis.1 and 90bis.3).

Within 19 months from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase until 30 months from the priority date (in some Offices even later); otherwise, the applicant must, within 20 months from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

In respect of other designated Offices, the time limit of 30 months (or later) will apply even if no demand is filed within 19 months.

For details about the applicable time limits, Office by Office, see [www.wipo.int/pct/en/texts/time\\_limits.html](http://www.wipo.int/pct/en/texts/time_limits.html) and the PCT Applicant's Guide, National Chapters.

Name and mailing address of the ISA/KR  Korean Intellectual Property Office Government Complex-Daejeon, 189 Cheongsu-ro, Seo-gu, Daejeon 302-701, Republic of Korea	Authorized officer  COMMISSIONER	
Facsimile No. 82-42-472-7140	Telephone No. 82-42-481-8755	

\* Attention

Copies of the documents cited in the international search report can be searched in the following Korean Intellectual Property Office English website for three months from the date of mailing of the international search report.

<http://www.kipo.go.kr/en/> => PCT Services => PCT Services

ID : PCT international application number

PW : **IZX9ABFM**

Inquiries related to PCT International Search Report or Written Opinion prepared by KIPO as an International Searching Authority can be answered not only by KIPO but also through IPKC (Intellectual Property Korea Center), located in Vienna, VA, which functions as a PCT Help Desk for PCT applicants.

Homepage: <http://www.ipkcenter.com>

Email: [ipkc@ipkcenter.com](mailto:ipkc@ipkcenter.com)

Phone: +1 703 388 1066

Fax: +1 703 388 1084



## PATENT COOPERATION TREATY

## PCT

## INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference 695458047WO	<b>FOR FURTHER ACTION</b> see Form PCT/ISA/220 as well as, where applicable, item 5 below.	
International application No. <b>PCT/US2010/045664</b>	International filing date ( <i>day/month/year</i> ) <b>16 AUGUST 2010 (16.08.2010)</b>	(Earliest) Priority Date ( <i>day/month/year</i> ) <b>27 AUGUST 2009 (27.08.2009)</b>
Applicant  <b>MCALISTER, ROY E.</b>		

This International search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 3 sheets.

☐ It is also accompanied by a copy of each prior art document cited in this report.

## 1. Basis of the report

a. With regard to the language, the international search was carried out on the basis of:

- ☒ the international application in the language in which it was filed  
☐ a translation of the international application into \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b))

b. ☐ This international search report has been established taking into account the rectification of an obvious mistake authorized by or notified to this Authority under Rule 91 (Rule 43.6bis(a)).

c. ☐ With regard to any nucleotide and/or amino acid sequence disclosed in the international application, see Box No. I.

2. ☐ Certain claims were found unsearchable (See Box No. II)

3. ☐ Unity of invention is lacking (See Box No. III)

4. With regard to the title,

- ☒ the text is approved as submitted by the applicant.  
☐ the text has been established by this Authority to read as follows:

5. With regard to the abstract,

- ☒ the text is approved as submitted by the applicant.  
☐ the text has been established, according to Rule 38.2, by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. With regard to the drawings,

- a. the figure of the drawings to be published with the abstract is Figure No. 1  
☐ as suggested by the applicant.  
☒ as selected by this Authority, because the applicant failed to suggest a figure.  
☐ as selected by this Authority, because this figure better characterizes the invention.
- b. ☐ none of the figure is to be published with the abstract.

## INTERNATIONAL SEARCH REPORT

International application No.  
**PCT/US2010/045664****A. CLASSIFICATION OF SUBJECT MATTER****F03G 7/04(2006.01)i, F24H 8/00(2006.01)i, F22B 33/18(2006.01)i**

According to International Patent Classification (IPC) or to both national classification and IPC

**B. FIELDS SEARCHED**

Minimum documentation searched (classification system followed by classification symbols)

F03G 7/04; B01D 53/18; F01K 17/02; F24D 17/00; F02G 5/04; F01N 3/04; F25D 7/00; F01P 3/22; F24D 3/00

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Korean utility models and applications for utility models

Japanese utility models and applications for utility models

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)

eKOMPASS(KIPO internal) &amp; Keywords: engine, heat exchanger, cogeneration, tank, and fluid.

**C. DOCUMENTS CONSIDERED TO BE RELEVANT**

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	JP 07-113567 A (TLV CO LTD) 02 May 1995 See page 2, paragraphs [0007] - [0014]; figure 1.	1-37
A	JP 05-223268 A (NIPPONDENSO CO LTD) 31 August 1993 See page 2, paragraph [0019] - page 4, paragraph [0030]; figure 1.	1-37
A	JP 2000-205044 A (KIMURA SHIGEAKI) 25 July 2000 See page 4, paragraph [0018] - page 6, paragraph [0042]; figures 1-2.	1-37
A	JP 2000-297700 A (HONDA MOTOR CO LTD) 24 October 2000 See page 3, paragraph [0012] - page 4, paragraph [0027]; figure 1.	1-37
A	JP 04-076211 A (MEIDENSHA CORP) 11 March 1992 See page 3, left column line 25 - page 5, right column, line 12; figures 1-3.	1-37



Further documents are listed in the continuation of Box C.



See patent family annex.

\* Special categories of cited documents:

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier application or patent but published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art

"&amp;" document member of the same patent family

Date of the actual completion of the international search

15 APRIL 2011 (15.04.2011)

Date of mailing of the international search report

**15 APRIL 2011 (15.04.2011)**

Name and mailing address of the ISA/KR

Korean Intellectual Property Office  
Government Complex-Daejeon, 189 Cheongsu-ro,  
Seo-gu, Daejeon 302-701, Republic of Korea

Facsimile No. 82-42-472-7140

Authorized officer

CHOI Jin Hwan

Telephone No. 82-42-481-8433



**INTERNATIONAL SEARCH REPORT**

Information on patent family members

International application No.

**PCT/US2010/045664**

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
JP 07-113567 A	02.05.1995	JP 2942852 B2	30.08.1999
JP 05-223268 A	31.08.1993	None	
JP 2000-205044 A	25.07.2000	US 2002-0108745 A1	15.08.2002
JP 2000-297700 A	24.10.2000	CN 1110629 C	04.06.2003
		CN 1270278 A	18.10.2000
		CN 1270278 C0	18.10.2000
		DE 60021137 D1	11.08.2005
		DE 60021137 T2	18.05.2006
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		EP 1045127 A3	05.12.2001
		EP 1045127 B1	06.07.2005
		JP 03-620701 B2	16.02.2005
		JP 2000-297700 A	24.10.2000
		US 2002-0098272 A1	25.07.2002
		US 2003-0207003 A1	06.11.2003
		US 2006-0246207 A1	02.11.2006
		US 2008-0107788 A1	08.05.2008
		US 6290142 B1	18.09.2001
		US 6399142 B1	04.06.2002
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		US 6569488 B2	27.05.2003
		US 7045166 B2	16.05.2006
		US 7147883 B1	12.12.2006
		US 7186431 B1	06.03.2007
JP 04-076211 A	11.03.1992	None	

## PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

To:

BETCHER SUSAN D.

PERKINS COIE LLP P.O.BOX 1247 SEATTLE WA 98111-  
1247 USA

PCT

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing  
(day/month/year) 15 APRIL 2011 (15.04.2011)

Applicant's or agent's file reference  
695458047WO

FOR FURTHER ACTION

See paragraph 2 below

International application No.

PCT/US2010/045664

International filing date (day/month/year)

16 AUGUST 2010 (16.08.2010)

Priority date(day/month/year)

27 AUGUST 2009 (27.08.2009)

International Patent Classification (IPC) or both national classification and IPC

F03G 7/04(2006.01)I, F24H 8/00(2006.01)I, F22B 33/18(2006.01)I

Applicant

MCALISTER, ROY E.

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

## 2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/KR  
Korean Intellectual Property Office  
Government Complex-Daejeon, 189  
Cheongsu-ro, Seo-gu, Daejeon 302-  
701, Republic of Korea  
Facsimile No. 82-42-472-7140

Date of completion of this opinion

15 APRIL 2011 (15.04.2011)

Authorized officer

CHOI Jin Hwan

Telephone No.82-42-481-8433



**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

**PCT/US2010/045664**

**Box No. 1 Basis of this opinion**

1. With regard to the language, this opinion has been established on the basis of:

- ☒ the international application in the language in which it was filed
- ☐ a translation of the international application into \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b))

2. ☐ This opinion has been established taking into account the rectification of an obvious mistake authorized by or notified to this Authority under Rule 91 (Rule 43bis.1(a))

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, this opinion has been established on the basis of:

a. a sequence listing filed or furnished

- ☐ on paper
- ☐ in electronic form

b. time of filing or furnishing

- ☐ contained in the international application as filed.
- ☐ filed together with the international application in electronic form.
- ☐ furnished subsequently to this Authority for the purposes of search.

4. ☐ In addition, in the case that more than one version or copy of a sequence listing has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

5. Additional comments:

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

**PCT/US2010/045664**

**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

**1. Statement**

Novelty (N)	Claims	1-37	YES
	Claims	NONE	NO
Inventive step (IS)	Claims	1-37	YES
	Claims	NONE	NO
Industrial applicability (IA)	Claims	1-37	YES
	Claims	NONE	NO

**2. Citations and explanations :**

**Reference is made to the following documents:**

D1: JP 07-113567 A (TLV CO LTD) 02 May 1995  
D2: JP 05-223268 A (NIPPONDENSO CO LTD) 31 August 1993  
D3: JP 2000-205044 A (KIMURA SHIGEAKI) 25 July 2000  
D4: JP 2000-297700 A (HONDA MOTOR CO LTD) 24 October 2000  
D5: JP 04-076211 A (MEIDENSHA CORP) 11 March 1992

**1. Novelty and Inventive Step**

**1.1 Claims 1-32**

The subject matter of claims 1 and 21 differs from these prior art documents in that an engine is positioned within a tank containing fluid to absorb waste energy from the engine. And it is not obvious to a person skilled in the art by the documents, taken alone or in combination. Therefore, claim 1 and 21 meet the requirements of PCT Article 33(2) and (3) with respect to novelty and inventive step.

Claims 2-20 and 22-32 are dependant on claim 1 or 21 and therefore meet the requirements of PCT Article 33(2) and (3).

**1.2 Claims 33-37**

Claim 33 of the present application relates to an energy system characterized by a fluid storage tank where an exhaust line passes and means for collecting water condensed in the exhaust line. The prior art and the documents do not disclose or suggest the technical feature of claim 33.

Therefore, claim 33 and its dependant claims 34-37 meet the requirements of PCT Article 33(2) and (3).

**2. Industrial Applicability**

Claims 1-37 are industrially applicable under PCT Article 33(4).



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**PERKINS COIE LLP  
PATENT-SEA  
P.O. BOX 1247  
SEATTLE WA 98111-1247**

**MAILED  
FEB 01 2012  
OFFICE OF PETITIONS**

**In re Application of  
MCALISTER  
Application No.: 12/857,502  
Filed: August 16, 2010  
Attorney Docket No.: 69545-8504.US00  
For: ENERGY SYSTEM FOR  
DWELLING SUPPORT**

**: DECISION ON REQUEST TO  
: PARTICIPATE IN THE PATENT  
: PROSECUTION HIGHWAY  
: PROGRAM AND PETITION  
: TO MAKE SPECIAL UNDER  
: 37 CFR 1.102(a)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed January 18, 2012, to make the above-identified application special.

The request and petition are **GRANTED**.

**Discussion**

A grantable request to participate in the PPH program and petition to make special require:

1. The U.S. application is
  - a. a Paris Convention application which either
    - i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the KIPO, or
    - ii. validly claims priority under 35 U.S.C. 119(a)/365(a) to a PCT application that contains no priority claims,or
  - b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
    - i. validly claims priority under 35 U.S.C. 365(b) to an application filed in the KIPO, or
    - ii. validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or
    - iii. contains no priority claim,or
  - c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application

- i. validly claims priority under 35 U.S.C. 365(b) to an application filed in the KIPO, or
  - ii. validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or
  - iii. contains no priority claim;
2. Applicant must submit a copy of:
  - a. The allowable/patentable claim(s) from the KR application(s);
  - b. An English translation of the allowable/patentable claim(s), and
  - c. A statement that the English translation is accurate (if the claims were published in a language other than English);
3. Applicant must:
  - a. Ensure that all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KR application(s), and
  - b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
  - a. A copy of all the office actions (which are relevant to patentability), excluding "Decision to Grant a Patent" from each of the KR application(s) containing the allowable/patentable claim(s);
  - b. An English language translation of the KIPO office action; and
  - c. A statement that the English translation is accurate (if the office actions are not in the English language);
6. Applicant must submit:
  - a. An IDS listing the documents cited by the KIPO examiner in the KIPO office action (unless already filed in this application); and
  - b. Copies of all the documents cited in the KIPO office action, except U.S. patents or U.S. patent application publications (unless already filed in this application);

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6735.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

This application is being forwarded to Technology Center Art Unit 3749 for action on the merits commensurate with this decision.

/Diane Goodwyn/  
Diane Goodwyn  
Petitions Examiner  
Office of Petitions





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**PERKINS COIE LLP  
PATENT-SEA  
P.O. BOX 1247  
SEATTLE WA 98111-1247**

**MAILED**

**SEP 08 2010**

**OFFICE OF PETITIONS**

In re Application of	:	
Roy E. McAlister	:	
Application No. 12/857,515	:	DECISION ON PETITION
Filed: August 16, 2010	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 695458046US	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 16, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement by an attorney on behalf of inventor Roy E. McAlister attesting to his age. The above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

Upon completion of the pre-examination processing by the Office of Patent Application Processing, this application will be referred to Technology Center 1793 for action on the merits commensurate with this decision.

/Kimberly Inabinet/

Kimberly Inabinet  
Petitions Examiner  
Office of Petitions



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In re Application of  
Donald Ross Trott

Application No. 12857526

Filed: August 16, 2010

Attorney Docket No. B0,016

:  
:

:DECISION ON PETITION TO MAKE SPECIAL  
:UNDER 37 CFR 1.102(c)(1)

:

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 28-SEP-2010 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.



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ROBERT J JACOBSON PA  
650 BRIMHALL STREET SOUTH  
ST PAUL MN 55116-1511

**MAILED**

DEC 30 2010

**OFFICE OF PETITIONS**

In re Application of  
Mark A. Flannery et al.  
Application No. 12/857,529  
Filed: August 16, 2010  
Attorney Docket No. MAF-4PINS-2

:  
:  
:  
: DECISION ACCORDING STATUS  
: UNDER 37 CFR 1.47(a)  
:

This is in response to the petition filed December 8, 2010 under 37 CFR 1.47(a).

The petition under 37 CFR 1.47(a) is **GRANTED**.

The above-identified application was filed on August 16, 2010 with an unsigned oath or declaration. Accordingly, on August 31, 2010, a "Notice To File Missing Parts Of Nonprovisional Application" ("Notice To File Missing Parts") was mailed, requiring, *inter alia*, an executed oath or declaration in compliance with 37 CFR 1.63 and a surcharge for its late filing.

In response, a two month extension of time request and the instant petition, seeking status under 37 CFR 1.47, was filed. Petitioners claim that joint inventor Lyle H. Rogalla refuses to execute the declaration.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor.

The petition bears proof that the application papers were forwarded to and received by joint inventor Rogalla, but to date has not returned an executed copy of the oath or declaration and thus by his actions, refuses to cooperate with the filing of the instant application.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). In view thereof, this application is hereby accorded Rule 1.47(a) status.

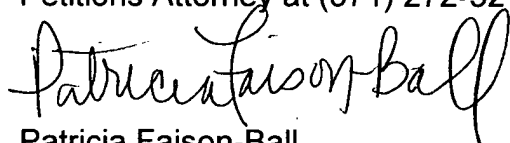
Thus, as provided in Rule 1.47c, this Office will forward notice of this application's filing

to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The late filing surcharge, petition fee, filing fees and the extension of time fee have been applied.

This matter is being referred to the Office of Patent Application Processing for further pre-examination processing.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

A handwritten signature in black ink, reading "Patricia Faison-Ball". The signature is written in a cursive, flowing style with a large initial 'P' and 'B'.

Patricia Faison-Ball  
Senior Petitions Attorney  
Office of Petitions



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Anglehart et al.  
1939 de Maisonneuve Ouest  
Montreal QC H3H 1K3 CA CANADA

**MAILED**

**SEP 13 2011**

In re Application of :  
Norman et al. :  
Application No.12/857,536 :  
Filed: August 16, 2010 :  
For: SYSTEMS FOR COST EFFECTIVE :  
CONCENTRATION AND UTILIZATION OF :  
SOLAR ENERGY :

**OFFICE OF PETITIONS**

**ON PETITION**

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 31, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This above-identified application became abandoned for failure to file a response to a Notice to File Missing Parts, which was mailed on September 2, 2010. The Notice to File Missing Parts set an extendable two (2) month period for reply. An incomplete reply was submitted on November 2, 2010. A Notice of Incomplete Reply was mailed on November 15, 2010. An incomplete reply was submitted on November 15, 2010. The application became abandoned on November 3, 2010, for failure to submit a timely complete response to the September 2, 2010 Notice. On September 2, 2011, the Office mailed a Notice of Abandonment.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of additional claim fees (2) the petition fee of \$810, and (3) a statement of unintentional delay.

This application is being referred to the Office of Patent Application Processing for pre-examination processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3215.

Charlema Grant  
Petitions Attorney  
Office of Petitions



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**Dr. Stan Parker**  
**P.O. Box 1141**  
**Indian Rocks Beach FL 33785**

**MAILED**

**JUL 19 2011**

**OFFICE OF PETITIONS**

In re Application of :  
Stanley Newton Parker :  
Application No. 12/857,538 : **DECISION ON PETITION**  
Filed: August 16, 2010 :  
Attorney Docket No. PARKER.0001-A :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 3, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed September 1, 2010. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on November 2, 2010. The Notice of Abandonment was mailed May 12, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a declaration, replacement drawings, and, \$65 surcharge, (2) the petition fee of \$810, and (3) an adequate statement of unintentional delay.

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

Telephone inquiries concerning this decision should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to the Office of Patent Application Processing for appropriate action on the reply received.

/Terri Johnson/  
Terri Johnson  
Petitions Examiner  
Office of Petitions

cc: **Michael G. Smith**  
**P.O. Box 341179**  
**Austin, TX 78734**



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SEP 30 2010

**OFFICE OF PETITIONS**

PERKINS COIE, LLP  
PATENT-SEA  
P.O. BOX 1247  
SEATTLE, WA 98111-1247

In re Application of  
Roy E. McAlister  
Application No. 12/857,541  
Filed: August 16, 2010  
Attorney Docket No. 695458041US

:  
:  
: DECISION ON PETITION  
: TO MAKE SPECIAL UNDER  
: 37 CFR 1.102(c)(1)

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 16, 2010, to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The instant petition is not signed by an attorney of record. However, in accordance with 37 CFR 1.34(a), the signature of Susan D. Betcher appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that she is authorized to represent the particular party on whose behalf she acts.

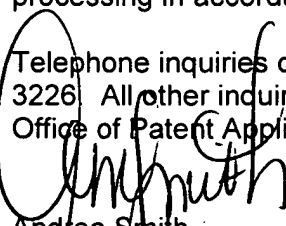
The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement from the attorney that the sole inventor is 65 years of age or older. Accordingly, the above-identified application has been accorded "special" status.

This application file is being referred to the Office of Patent Application Processing for further processing in accordance with this decision.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226. All other inquiries concerning the processing of the application should be addressed to the Office of Patent Application Processing at (571) 272-4200.

  
Andrea Smith  
Petitions Examiner  
Office of Petitions





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**MAILED**

**SEP 30 2010**

**OFFICE OF PETITIONS**

In re Application of  
Roy E. McAlister  
Application No. 12/857,546  
Filed: August 16, 2010  
Attorney Docket No. 695458044US

:  
:  
: **DECISION ON PETITION**  
: **TO MAKE SPECIAL UNDER**  
: **37 CFR 1.102(c)(1)**

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 16, 2010, to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The instant petition is not signed by an attorney of record. However, in accordance with 37 CFR 1.34(a), the signature of Susan D. Betcher appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that she is authorized to represent the particular party on whose behalf she acts.

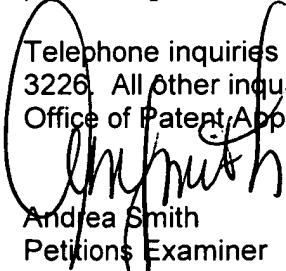
The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement from the attorney that the sole inventor is 65 years of age or older. Accordingly, the above-identified application has been accorded "special" status.

This application file is being referred to the Office of Patent Application Processing for further processing in accordance with this decision.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226. All other inquiries concerning the processing of the application should be addressed to the Office of Patent Application Processing at (571) 272-4200.

  
Andrea Smith  
Petitions Examiner  
Office of Petitions

**Doc Code: PPH.PCT.652**

**Document Description: Petition to make special under PCT-Patent Pros Hwy**

PTO/SB/20PCT-KR (06-10)

Approved for use through 01/31/2012. OMB 0651-0058

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY – PATENT PROSECUTION  
HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY  
OFFICE (KIPO) AND THE USPTO**

Application No.:	12/857,546-Conf. #4208	Filing Date:	August 16, 2010
------------------	------------------------	--------------	-----------------

First Named Inventor:	Roy E. McAlister, P.E.
-----------------------	------------------------

Title of the Invention:	INCREASING THE EFFICIENCY OF SUPPLEMENTED OCEAN THERMAL ENERGY CONVERSION (SOTEC) SYSTEMS
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**THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS  
MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT  
[HTTP://WWW.USPTO.GOV/EBC/EFS\\_HELP.HTML](http://www.uspto.gov/ebc/efs_help.html).**

**APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-  
IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.**

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

**The corresponding PCT  
application number(s) is/are:** PCT/US2010/045670

**The international date of the corresponding  
PCT application(s) is/are:** August 16, 2010

**I. List of Required Documents:**

- a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified  
corresponding PCT application(s).**

☒ Is attached.

☐ Is not attached because the document is already in the U.S. application.

- b. **A copy of all claims which were indicated as having novelty, inventive step and industrial  
applicability in the above-identified corresponding PCT application(s).**

☒ Is attached.

☐ Is not attached because the document is already in the U.S. application.

- c. **English translations of the documents in a. and b. above are attached (if the documents are not in  
the English language). A statement that the English translation is accurate is attached for the  
document in b. above.**

**REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM  
BETWEEN THE KIPO AND THE USPTO**  
(continued)

Application No.:	12/857,546-Conf. #4208
First Named Inventor:	Roy E. McAlister, P.E.

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

- ☐ Is attached.
- ☒ Has already been filed in the above-identified U.S. application on June 3, 2011

**(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)**

- ☐ Are attached.
- ☒ Have already been filed in the above-identified U.S. application on June 3, 2011

**II. Claims Correspondence Table:**

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-29	1-29	The claims pending in the US application are identical to the claims pending in the PCT Application.

**III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.**

Signature	/sdb/	Date	1/17/2012
Name (Print/Typed)	Susan D. Betcher	Registration Number	43,498

(12) INTERNATIONAL APPLICATION PUBLISHED UNDER THE PATENT COOPERATION TREATY (PCT)

(19) World Intellectual Property Organization  
International Bureau



(43) International Publication Date  
10 March 2011 (10.03.2011)

PCT

(10) International Publication Number  
**WO 2011/028402 A2**

(51) International Patent Classification:  
*F03G 7/05* (2006.01)

(21) International Application Number:  
PCT/US2010/045670

(22) International Filing Date:  
16 August 2010 (16.08.2010)

(25) Filing Language: English

(26) Publication Language: English

(30) Priority Data:  
61/237,476 27 August 2009 (27.08.2009) US  
61/304,403 13 February 2010 (13.02.2010) US  
12/707,653 17 February 2010 (17.02.2010) US  
12/707,656 17 February 2010 (17.02.2010) US  
PCT/US10/24499 17 February 2010 (17.02.2010) US  
PCT/US10/24498 17 February 2010 (17.02.2010) US  
PCT/US10/24497 17 February 2010 (17.02.2010) US  
12/707,651 17 February 2010 (17.02.2010) US

(81) Designated States (unless otherwise indicated, for every kind of national protection available): AE, AG, AL, AM, AO, AT, AU, AZ, BA, BB, BG, BH, BR, BW, BY, BZ, CA, CH, CL, CN, CO, CR, CU, CZ, DE, DK, DM, DO, DZ, EC, EE, EG, ES, FI, GB, GD, GE, GH, GM, GT, HN, HR, HU, ID, IL, IN, IS, JP, KE, KG, KM, KN, KP, KR, KZ, LA, LC, LK, LR, LS, LT, LU, LY, MA, MD, ME, MG, MK, MN, MW, MX, MY, MZ, NA, NG, NI, NO, NZ, OM, PE, PG, PH, PL, PT, RO, RS, RU, SC, SD, SE, SG, SK, SL, SM, ST, SV, SY, TH, TJ, TM, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, ZA, ZM, ZW.

(84) Designated States (unless otherwise indicated, for every kind of regional protection available): ARIPO (BW, GH, GM, KE, LR, LS, MW, MZ, NA, SD, SL, SZ, TZ, UG, ZM, ZW), Eurasian (AM, AZ, BY, KG, KZ, MD, RU, TJ, TM), European (AL, AT, BE, BG, CH, CY, CZ, DE, DK, EE, ES, FI, FR, GB, GR, HR, HU, IE, IS, IT, LT, LU, LV, MC, MK, MT, NL, NO, PL, PT, RO, SE, SI, SK, SM, TR), OAPI (BF, BJ, CF, CG, CI, CM, GA, GN, GQ, GW, ML, MR, NE, SN, TD, TG).

(72) Inventor; and

(71) Applicant : MCALISTER, Roy, E. [US/US]; 2350 W Shangri La, Phoenix, AZ 85029 (US).

(74) Agents: ANCHELL, Scott, J. et al.; Perkins Coie LLP, P.O. Box 1247, Seattle, WA 98111-1247 (US).

Published:

— without international search report and to be republished upon receipt of that report (Rule 48.2(g))

(54) Title: INCREASING THE EFFICIENCY OF SUPPLEMENTED OCEAN THERMAL ENERGY CONVERSION (SOTEC) SYSTEMS

(57) Abstract: A system and method for increasing the efficiency of an ocean thermal energy conversion (OTEC) system is described. In some examples, the system collects thermal energy using a solar collector, warms ocean water located within the solar collector, and provides the warmed water to an OTEC system, such as to a vaporizer of a heat engine. In some examples, the OTEC system provides electricity and other energy to another system, creating a cycle of sustainable economic development of energy and resources.

WO 2011/028402 A2

INCREASING THE EFFICIENCY OF SUPPLEMENTED OCEAN  
THERMAL ENERGY CONVERSION (SOTEC) SYSTEMS

CROSS-REFERENCE TO RELATED APPLICATION(S)

**[0001]** The present application claims priority to and the benefit of U.S. Provisional Application No. 61/304,403, filed February 13, 2010 and titled FULL SPECTRUM ENERGY AND RESOURCE INDEPENDENCE; U.S. Patent Application No. 12/707,651, filed February 17, 2010 and titled ELECTROLYTIC CELL AND METHOD OF USE THEREOF; PCT Application No. PCT/ US10/24497, filed February 17, 2010 and titled ELECTROLYTIC CELL AND METHOD OF USE THEREOF; U.S. Patent Application No. 12/707,653, filed February 17, 2010 and titled APPARATUS AND METHOD FOR CONTROLLING NUCLEATION DURING ELECTROLYSIS; PCT Application No. PCT/ US10/24498, filed February 17, 2010 and titled APPARATUS AND METHOD FOR CONTROLLING NUCLEATION DURING ELECTROLYSIS; U.S. Patent Application No. 12/707,656, filed February 17, 2010 and titled APPARATUS AND METHOD FOR GAS CAPTURE DURING ELECTROLYSIS; PCT Application No. PCT/ US10/24499, filed February 17, 2010 and titled APPARATUS AND METHOD FOR CONTROLLING NUCLEATION DURING ELECTROLYSIS; and U.S. Provisional Patent Application No. 61/237,476, filed August 27, 2009 and titled ELECTROLYZER AND ENERGY INDEPENDENCE TECHNOLOGIES. Each of these applications is incorporated by reference in its entirety.

BACKGROUND

**[0002]** Tropical oceans of the world facilitate operation of giant heat engines between their warm surface waters and their cold deep waters. For example, a typical temperature of the surface waters may be between 25 to 27 degrees Celsius, and a typical temperature of the deep waters temperatures may be between 4 to 6 degrees Celsius. Such temperature differences assist the heat engines in vaporizing and condensing a working fluid, which in turn drives a turbine to produce electricity.

Such systems are often referred to as Ocean Thermal Energy Conversion (OTEC) plants or systems.

**[0003]** Unfortunately, there are a number of problems associated with current OTEC systems, including low energy conversion efficiency, a higher cost of operation, and so on. Most ocean locations suitable for conventional OTEC plants are at great distances from population centers and require an expensive and difficult transport mechanism to bring generated energy to market. These extensive infrastructure costs and inherent inefficiencies promote great difficulties in attempts to scale up such operations to meet the world's significant energy needs.

**[0004]** The need exists for systems and methods that overcome the above problems, as well as provide additional benefits. Overall, the examples herein of some prior or related systems and their associated limitations are intended to be illustrative and not exclusive. Other limitations of existing or prior systems will become apparent to those of skill in the art upon reading the following Detailed Description.

#### BRIEF DESCRIPTION OF THE DRAWINGS

**[0005]** Figure 1A is a block diagram illustrating a supplemented ocean thermal energy conversion system in accordance with aspects of the disclosure.

**[0006]** Figure 1B is a block diagram illustrating an ocean-based full spectrum system in accordance with aspects of the disclosure.

**[0007]** Figure 1C is a block diagram illustrating a system of integrated production of sustainable economic development in accordance with aspects of the disclosure.

**[0008]** Figure 1D is a block diagram illustrating an ocean-based system of integrated production of sustainable economic development in accordance with aspects of the disclosure.

**[0009]** Figure 1E is a block diagram illustrating a solar ocean thermal energy conversion system in accordance with aspects of the disclosure.

**[0010]** Figure 2 is a flow diagram illustrating a routine for increasing the efficiency of an ocean thermal energy conversion system in accordance with aspects of the disclosure.

**[0011]** Figure 3 is a schematic diagram illustrating an end view of a sectioned solar collector assembly in accordance with aspects of the disclosure.

**[0012]** Figure 4 is a schematic diagram illustrating a side view of a solar collector assembly having closed air cells in accordance with aspects of the disclosure.

**[0013]** Figure 5 is a schematic diagram illustrating a side view of a solar collector having a web within the insulating spaces in accordance with aspects of the disclosure.

**[0014]** Figure 6A is a schematic diagram illustrating an end view of a sectioned solar collector assembly having linear lenses in accordance with aspects of the disclosure.

**[0015]** Figure 6B is a schematic diagram illustrating a device for producing pressurized gases for a solar collector assembly in accordance with aspects of the disclosure.

**[0016]** Figure 7 is a schematic diagram illustrating a solar collector for use with various water currents in accordance with aspects of the disclosure.

**[0017]** Figure 8A is a schematic diagram illustrating a top view of a supplemented OTEC system in accordance with aspects of the disclosure.

**[0018]** Figure 8B is a schematic diagram illustrating a top view of a supplemented OTEC system having multiple solar collector assemblies in accordance with aspects of the disclosure.

**[0019]** Figure 8C is a top view of a solar thermal energy conversion system in accordance with aspects of the disclosure.

**[0020]** Figure 9 is a schematic diagram illustrating a top view 900 of an OTEC plant supplemented by multiple spiral assemblies in accordance with aspects of the disclosure.

**[0021]** Figure 10 is a schematic diagram illustrating a top view of an OTEC plant supplemented by solar collector barges in accordance with aspects of the disclosure.

**[0022]** Figure 11 is a schematic diagram illustrating a side view 1100 of a solar collector assembly configured to directly heat a working fluid used by a heat engine in accordance with aspects of the disclosure.

**[0023]** Figure 12 is a schematic diagram illustrating a top view 1200 of a land-based OTEC plant supplemented by solar collector assemblies in accordance with aspects of the disclosure.

**[0024]** Figure 13 is a schematic diagram illustrating an OTEC plant supplemented by heat from geological formations in accordance with aspects of the disclosure.

**[0025]** Figure 14 is a schematic diagram illustrating an OTEC system supplemented by geothermal energy in accordance with aspects of the disclosure.

**[0026]** Figure 15 is a schematic diagram illustrating a system for integrating an OTEC system with other energy generation systems in accordance with aspects of the disclosure.

**[0027]** Figure 16 is a schematic diagram illustrating a system for integrating an OTEC system with methane release mechanisms in accordance with aspects of the disclosure.

#### DETAILED DESCRIPTION

**[0028]** The present application incorporates by reference in its entirety the subject matter of U.S. Provisional Patent Application No. 60/626,021, filed November 9, 2004 and titled MULTIFUEL STORAGE, METERING AND IGNITION SYSTEM (Attorney Docket No. 69545-8013US) and U.S. Provisional Patent Application No. 61/153,253, filed February 17, 2009 and titled FULL SPECTRUM ENERGY (Attorney Docket No. 69545-8001US). The present application also incorporates by reference in their entirety the subject matter of each of the following U.S. Patent Applications, filed concurrently herewith on August 16, 2010 and titled: METHODS AND APPARATUSES FOR DETECTION OF PROPERTIES OF FLUID CONVEYANCE SYSTEMS (Attorney Docket No. 69545-8003US); COMPREHENSIVE COST MODELING OF AUTOGENOUS SYSTEMS AND PROCESSES FOR THE PRODUCTION OF ENERGY, MATERIAL RESOURCES AND NUTRIENT REGIMES (Attorney Docket No. 69545-8025US); ELECTROLYTIC CELL AND METHOD OF USE THEREOF (Attorney Docket No. 69545-8026US); SUSTAINABLE ECONOMIC DEVELOPMENT THROUGH INTEGRATED PRODUCTION OF RENEWABLE ENERGY, MATERIALS RESOURCES, AND NUTRIENT REGIMES (Attorney Docket



No. 69545-8040US); SYSTEMS AND METHODS FOR SUSTAINABLE ECONOMIC DEVELOPMENT THROUGH INTEGRATED FULL SPECTRUM PRODUCTION OF RENEWABLE ENERGY (Attorney Docket No. 69545-8041US); SUSTAINABLE ECONOMIC DEVELOPMENT THROUGH INTEGRATED FULL SPECTRUM PRODUCTION OF RENEWABLE MATERIAL RESOURCES (Attorney Docket No. 69545-8042US); GAS HYDRATE CONVERSION SYSTEM FOR HARVESTING HYDROCARBON HYDRATE DEPOSITS (Attorney Docket No. 69545-8045US); APPARATUSES AND METHODS FOR STORING AND/OR FILTERING A SUBSTANCE (Attorney Docket No. 69545-8046US); ENERGY SYSTEM FOR DWELLING SUPPORT (Attorney Docket No. 69545-8047US); ENERGY CONVERSION ASSEMBLIES AND ASSOCIATED METHODS OF USE AND MANUFACTURE (Attorney Docket No. 69545-8048US); and INTERNALLY REINFORCED STRUCTURAL COMPOSITES AND ASSOCIATED METHODS OF MANUFACTURING (69545-8049US).

#### Overview

**[0029]** A supplemented ocean thermal energy conversion (SOTEC) system is described. In some embodiments, the system includes a solar collector configured to warm ocean water provided to a heat engine, such as the water provided to a vaporizer. The warmed water enables the vaporizer to vaporize a working fluid and propel a turbine, generating electricity, among other things. Using the solar collector, the system provides water from the surface of the ocean to the heat engine that is at a temperature higher than the water at the surface of the ocean. This causes an increased temperature difference between the water provided to the vaporizer and water from lower areas of the ocean that is provided to a condenser of the heat engine, thereby increasing the efficiency of the thermal energy conversion system, among other benefits. Thus, the system, in some embodiments, provides affordable and dependable energy for sustainable economic development by harnessing solar and other forms of energy to produce electricity, hydrogen, and so on.

**[0030]** In some embodiments, the system may utilize various components of an OTEC system, such as a working fluid, as an energy exchange mechanism between various energy sources and generative systems. The integration of a supplemented OTEC system with other systems allows for various energy sources to increase the efficiency of operation of the OTEC system, and for the OTEC system in turn to

increase the efficiency of production of various generative systems. The system, therefore, may realize a sustainable economic benefit of resources found in the world's oceans, among other benefits.

**[0031]** In some embodiments, the SOTEC system provides the following benefits:

- The incorporation of objectionable trash components of polymeric materials that are potentially plentiful for construction of sustainable energy conversion systems capable of overcoming the present dependence on fossil fuels;
- The utilization of highly durable materials that are potentially plentiful for construction of sustainable energy conversion systems capable of overcoming the present dependence on fossil fuels;
- Providing for the economic operation of OTEC plants at locations that are close to coastal population centers;
- The reduction of pumping and/or other auxiliary power requirements used in conventional OTEC plants;
- The prevention of evaporative cooling of ocean water;
- Providing a self-rigidizing structure to prevent evaporation of large areas of ocean water;
- Increasing the operating efficiency of OTEC systems by increasing the temperature of ocean water using a solar collector;
- Increasing the operating efficiency of OTEC systems by increasing the temperature of ocean water or another working fluid by providing heat addition from solar energy;
- Increasing the operating efficiency of OTEC systems by increasing the temperature of ocean water or another working fluid by providing heat addition from another heat engine;
- Increasing the operating efficiency of OTEC systems by increasing the temperature of ocean water or another working fluid by providing heat addition from electrochemical processes.

- Providing renewable fuels from OTEC operations and distributing the fuels by conventional pipeline networks throughout the continents;
- Providing renewable fuels from OTEC operations, storing the fuels in depleted natural gas and oil reservoirs, and distributing the fuels by conventional pipeline networks throughout the continents;
- The utilization of thin films and gas insulation assemblies to trap solar energy;
- The utilization of barrier layers to reduce evaporative cooling of water in ocean thermal energy conversion technology systems;
- Improving the overall efficiency of a heat engine operating according to any thermal cycle in OTEC applications;
- The utilization of barrier layers to reduce convective cooling of water in ocean thermal energy conversion technology systems;
- The utilization of thin films and gas insulation assemblies to trap solar energy and increase the energy content of working fluids in heat engines receives such solar energy;
- Increasing the temperature of water near the surface to improve the efficiency of ocean thermal energy technology systems;
- Increasing the temperature of water near the ocean surface to improve the return on investment of ocean thermal energy technology systems;
- The utilization of internal combustion engines to supply heat to increase the energy-conversion potential of working fluids used in energy conversion processes;
- The utilization of combustion to supply heat to increase the energy conversion potential of gases used in energy conversion processes;
- The utilization of external combustion engines to supply heat to increase the kinetic energy of working fluids utilized in ocean thermal energy conversion processes;

- The integration of numerous sources of low cost energy during the production of high quality electricity;
- The integration of numerous sources of low cost energy for production of high quality hydrogen;
- Providing for the rapid production of stored energy;
- The production of pipeline quality hydrogen for interchangeable shipment with natural gas in existing and new pipelines;
- The production of pipeline quality methane for interchangeable shipment with natural gas in existing and new pipelines;
- The creation and generation of economic development and environmental protection benefits from energy conversion processes;
- The operation of an electrolyzer as a regenerative system;
- The pressurization of fuel delivery by compaction of precursor materials that are gasified to enhance pressure development;
- The pressurization of substances by electrolysis;
- The pressurization of fuel delivery by energy created by electrolysis;
- Providing thermochemical processes in an energy conversion regime;
- Providing rugged, failsafe, low-cost conversion of solar energy and/or other energy resources into hydrogen and/or electricity;
- The utilization of ubiquitous piston and turbine engines in electricity and hydrogen production systems;
- The utilization of hydrogen to transfer heat from rotating electrical equipment;
- The utilization of hydrogen to overcome emissions of hydrocarbons;
- The utilization of hydrogen to overcome emissions of nitrous compounds from heat engines;

- The utilization of hydrogen to overcome emissions of particulates from heat engines;
- The utilization of hydrogen to overcome emissions of carbon compounds;
- The utilization of hydrogen to improve generator efficiency in hybrid and distributed energy applications; among other utilities and benefits.

**[0032]** Various embodiments of the system will now be described. The following description provides specific details for a thorough understanding and enabling description of these embodiments. One skilled in the art will understand, however, that the system may be practiced without many of these details. Additionally, some well-known structures or functions may not be shown or described in detail, so as to avoid unnecessarily obscuring the relevant description of the various embodiments.

**[0033]** The terminology used in the description presented below is intended to be interpreted in its broadest reasonable manner, even though it is being used in conjunction with a detailed description of certain specific embodiments of the system. Certain terms may even be emphasized below; however, any terminology intended to be interpreted in any restricted manner will be overtly and specifically defined as such in this Detailed Description section.

#### The Supplemented Ocean Thermal Energy Conversion (SOTEC) System

**[0034]** Figure 1A is a block diagram illustrating a supplemented ocean thermal energy conversion (SOTEC) system 100. The SOTEC system 100 includes an OTEC system or plant 110 and a supplement 102, such as a supplement of solar energy, heat, resources, other forms of renewable energy, and so on.

**[0035]** In turn, the OTEC system may provide energy, resources, and other benefits to various supplement sources. For example, the OTEC system may provide electricity to an electrolyzer or may provide ammonia to a fuel storage center. Thus, the system may provide a cyclical path of energy and resources that facilitates a sustainable economic development of resources, among other benefits

**[0036]** The OTEC system 110 includes various components used to generate electricity and other resources, such as heat engine components, water transport

components, and so on. The supplement 102, of which various different forms and configurations will be discussed herein, provides energy to the OTEC system 110 to increase the efficiency of operation of the OTEC system, among other benefits.

**[0037]** In some embodiments, the system enables the sustainable production of hydrogen, carbon, and other resources. In some embodiments, the system harnesses energy during and as a result of the sustainable production of resources. In some embodiments, the system provides for sustainable economic development by refining renewable energy input into the system and, therefore, achieving economic multiplying effects on feedstock, resources, and other substances within the system. Thus, the system is a full-spectrum system for use in ocean and other water-based regions of the world.

**[0038]** More specifically, Figure 1B shows the Full Spectrum Integrated Production System 113, composed of three interrelated systems, that include The Full Spectrum Energy Park 119 for Renewable Energy Production and Materials Resource Extraction, The Full Spectrum Agribusiness Network 121 for Renewable Nutrient Regimes (human, animal and plant nutrition) and Energy Feedstock Production (biomass, biowaste and biofuel), and Full Spectrum Industrial Park 123 for Sustainable Materials Resource Production and Zero Emissions Manufacturing.

**[0039]** Figure 1B shows system 113 as the integration of systems 119, 121, and 123 to enable exchange of energy, materials and information among these systems. System 113 integration, and particularly methods within system 119, utilizes the thermodynamic properties of multiple interrelated heat engines thermally coupled to form a thermodynamic whole-system in order to function effectively as a very large heat engine, which is able to achieve increased beneficial production capacity and efficiency. Within system 113, system 119 is particularly dedicated to achieve synergistic linkage among solar thermal, geothermal, ocean thermal, and engine thermal sources so as to increase the total available renewable energy output of the particular site location, and to provide energy and extracted material resources to systems 121 and 123.

**[0040]** The Full Spectrum Energy Park 119 is thermally coupled to function effectively as a single large heat engine, whose systems and subsystems are interrelated to establish energy cascades, using working fluids that are heated in two or more stages. The total available renewable energy output of system 119 is

increased by systematically moving working fluids between solar, geologic, engine, and other thermal sources to achieve a cascade effect to optimize the thermodynamic properties (such as temperature, pressure, purity, phase shift, and efficiency of energy conversion) of a working fluid. Energy output of one stage is re-invested in key processes of another stage so as to operate in a regenerative or autogenous manner with increased efficiency and economy of operation.

**[0041]** Full Spectrum Energy Park 119 functions include: harvesting, conversion and storage of kinetic, thermal, and radiant energy forms among renewable energy sources such as solar, wind, moving water, geothermal, biomass, and internal combustion engines so as to establish autogenous or regenerative energy cascades among the systems to create aggregating and synergistic benefits that cannot be achieved by harvesting, conversion and storage of any one renewal energy source alone. Autogenous or regenerative energy methods are practiced in systems 119, 121, and 123. Further, system 119 is directed to materials resource extraction of numerous chemicals for use in systems 121 and 123. For example, thermochemical regeneration is used as a means of extracting carbon as a raw material (extraction can take place in systems 119, 121 and 123) for subsequent manufacturing production of durable goods at system 123. In another example, thermochemical regeneration can also be used as a means of extracting nitrogen and trace minerals for subsequent manufacturing production of plant fertilizers for use in system 121. Further, system 119 is directed to biowaste, biomass and biofuel conversion, typically to achieve bio-methane gas and/or hydrogen gas storage, transport and use on-demand at systems 119, 121 and 123 as fuels for internal combustion engines and/or fuel cells for electrical power generation and/or transportation.

**[0042]** The manipulation of solar thermal, geothermal, ocean thermal, and engine thermal sources provides a highly adaptive integrated platform for installations of system 113 at various climate regions of location, and installations that are both land-based and ocean-based. Engineering for increased location adaptability thereby significantly increases the total availability of renewable energy harvesting, and thus provides an economically viable solution for local, regional, national and global economies.

**[0043]** Food production at system 121 can be installed on both land and ocean sites. Crop farms, cattle farms, ranches, industrial production facilities for pork and

chicken, fresh water fisheries, ocean fisheries, dairy farms, and so on can be linked to system 119 as consumers of the energy produced in system 119, but in turn produce waste by-products which are diverted to system 119 for conversion to renewable energy and renewable materials resources. Further, system 121 is directed to increased Energy Feedstock Production for such biofuel crops, such as algae, switch grass and other crops to increase the viability of photosynthesis-based energy harvesting. Method and apparatus for water production, purification, and conservation are used in each of the systems of production 119, 121 and 123. However, these are important components of system 121 in order to satisfy requirements for large quantities of water in food production and to overcome the documented problem of unsustainability due to waste and fouling of water by conventional food production practices.

**[0044]** System integration increases capacity for “sustainability” — defined as increased production of energy, material resources and nutrient regimes using renewable methods to avoid depletion of natural resources and reduce or eliminate destructive environmental impact such as pollution and toxic emissions as by-products of production. Sustainability requires methods of production for energy, materials, and food that are viable for the long-term wellbeing of future generations, not just the immediate short-term benefit of current consumers.

**[0045]** System integration enables the increase in production capacity for “economic scalability” — defined as significant increase of production of energy, materials, and food that is achieved by the ability to replicate numerous aggregative installation sites, and to increase the number of available site locations by greatly improved adaptability to the diverse climate regions (i.e., adaptively harvesting renewable energy by accommodating the varied resource characteristics of temperate, tropical and arctic climates). Such economic scalability is required to increase the earth’s carrying capacity to sustain continued rapid human population growth, and rapidly increasing energy requirements of developing nations. For successful use, such production methods and locations must be immediately usable, and must present an economically viable alternative to current production means of energy, materials, and food production as compared to using conventional fossil fuel and/or nuclear energy sources.



**[0046]** System integration further enables a zero-emissions and zero-waste method of energy production 119, materials production 123, and food production 121, wherein: organic waste generated in the system 121 that would otherwise be burned, buried, or dumped in landfills, aquifers, streams, oceans, or emitted into the atmosphere as pollutants is instead systematically channeled into biomass, biowaste, and biofuel conversions systems as found in system 119; energy and material resource extraction in system 119 is passed to system 123 for production of durable goods; energy and material resource extraction in system 119 is also passed to system 121 for production of nutrient regimes for humans, animals and plant life on land and ocean.

**[0047]** System integration establishes a single unit of economic production that: intentionally links energy production with food production and materials resource production in such a way that these function as an interdependent whole.

**[0048]** The Full Spectrum Integrated Production System is thus suitable for installation in locations or communities where no comparable renewable energy infrastructure currently exists, or where manufacturing capabilities are deficient and unemployment is the norm, or where food production is deficient and poverty and malnourishment is the norm. The goal of introducing this unified method of economic production is to enable increases in gross domestic product (GDP) with the increased quality of life that accompanies GDP, and systematic job creation with the improved quality of life that accompanies meaningful employment.

**[0049]** Furthermore, system integration establishes a single unit of economic production that intentionally links waste management with energy conversion practices so that they function as an interdependent whole to interrupt conventional waste practices of burn, bury, and dump that lead to pollution and environmental degradation.

**[0050]** The Full Spectrum Integrated Production System introduces use of sustainable waste-to-energy conversion as an integrated practice across the whole system. The goal of this integrated system is to protect the natural environment, conserve finite natural resources, reduce communicable disease, and reduce land, water and air pollution (including reduction in greenhouse gas drivers of climate change, such as methane and CO<sub>2</sub>).

**[0051]** The Full Spectrum Integrated Production System 113 provides a means to achieve an “industrial ecology,” in which the human-systems production environment mimics natural ecosystems: where energy and materials flow among systems and wastes become inputs for new processes in a closed-loop manner, yet the whole system is open to the renewable, sustainable energy provided by sun (solar thermal), earth (geothermal), ocean (ocean thermal), and biomass conversion (engine thermal) systems.

**[0052]** Figure 1C is a block diagram illustrating components of an ocean-based full spectrum system 113. The full spectrum system 113 includes an energy park 119 for renewable energy production. In some cases, the energy park is an OTEC system. In some cases, the energy park includes renewable energy sources such as solar energy sources, wind energy sources, wave energy sources, geothermal energy sources, engines, biofuel sources, and so on.

**[0053]** The full spectrum system also includes an industrial park 123 for renewable material resources production. In some cases, the industrial park may generate various resources such as carbon, hydrogen, methane, and so on. The full spectrum system also includes an agribusiness network 121 for renewable nutrient regime production, such as sustainable farming, fishing, and ranching.

**[0054]** More specifically, Figure 1C is a block diagram illustrating a Full Spectrum Integrated Production System 113 of sustainable economic development, which includes the production of energy (e.g., electricity and fuels) concurrent with the production of nutrient regimes (e.g., products for human, animal, or plant nutrition) and the production of materials resources (e.g., hydrogen and carbon). The system 113 is comprised of integrated and interdependent sub-systems with adaptive control of autogenous cascading energy conversions that captures and reinvests some or all of the energy, substances and/or byproducts of each sub-system. Thus, the continued operation of the system 113 is sustained with the introduction of minimal or no external energy or materials resources. The system 113 is an example of industrial ecology which facilitates sustainable economic development, such as the harnessing of renewable energy, the production of foods, and the production of materials resources, which is greater production of energy, foods, and materials resources than is achievable using conventional techniques, among other benefits.

**[0055]** A Full Spectrum Energy Park 119 coordinates methods of capturing energy from renewable sources 129 (e.g., solar, wind, moving water, geothermal, rejected heat) with methods of producing energy from renewable feedstocks 131 (e.g., biowaste 145, biomass 143) and methods of producing materials resources (e.g., hydrogen 133, carbon 135, other materials resources such as trace minerals 137, pure water 139). Energy is stored, retrieved, and transported using methods of adaptive control of autogenous cascading energy conversions that generate a multiplier effect in the production of energy. During the energy harvesting and production processes, materials resources (e.g., hydrogen and carbon) are extracted from biowaste and biomass feedstocks used in the production of renewable energy. The Full Spectrum Energy Park 119 stores, retrieves, transports, monitors, and controls said energy and said resources to achieve improved efficiencies in the production of energy, materials resources, and nutrient regimes.

**[0056]** Some of the produced energy 129, 131 is provided to the Full Spectrum Agribusiness Network 121. Some of the produced energy 129, 131 is provided to the Full Spectrum Industrial Park 123. Some of the produced energy 129, 131 is reinvested in the Full Spectrum Energy Park 119. Some of the produced energy 201, 131 is provided to external recipients and/or added to the national electricity grid and/or the national gas pipeline.

**[0057]** A Full Spectrum Agribusiness Network 121 receives renewable energy produced by the Full Spectrum Energy Park 119 to power the functions of farming, animal husbandry, and fishery sub-systems. This includes renewable fuels for farm equipment, vehicles, boats and ships, and electricity for light, heat, mechanical equipment, and so on.

**[0058]** The Full Spectrum Agribusiness Network 121 receives materials resources and byproducts such as other materials resources (e.g., trace minerals 137) and pure water 139 produced by the Full Spectrum Energy Park 119 to enrich nutrient regimes in farming, animal husbandry, and fishery sub-systems and to produce increased efficiencies in the production of plant crops 149 and animal crops 151.

**[0059]** The Full Spectrum Agribusiness Network 121 harvests energy feedstock and supplies it to the Full Spectrum Energy Park 119 for use in the production of renewable energy. Suitable feedstock includes biomass 143 (e.g., crop slash),

biowaste 145 (e.g., sewage, agricultural waste water, meat packing wastes, effluent from fisheries), biofuel stock 147 (e.g., algae, switchgrass), and so on.

**[0060]** A Full Spectrum Industrial Park 123 uses renewable energy produced by the Full Spectrum Energy Park 119 to power the functions of sustainable materials resources production and zero-emissions manufacturing. This includes renewable fuels for internal combustion engines (e.g., stationary engines, vehicles) and electricity for light, heat, mechanical equipment, and so on.

**[0061]** The Full Spectrum Industrial Park 123 invests materials resources 133, 135 and byproducts 137 received from the Full Spectrum Energy Park 119 to produce additional materials resources (e.g., designer carbon 157 and industrial diamonds 159).

**[0062]** The Full Spectrum Industrial Park 123 uses materials resources and byproducts received from the Full Spectrum Energy Park 119 to manufacture products such as carbon-based green energy machines 155, including solar thermal devices 155, wind turbines 155, water turbines 155, electrolyzers 155, internal combustion engines and generators 155, automobile, ship and truck parts 161, semiconductors 163, nanotechnologies 165, farm and fishery equipment 167, and so on.

**[0063]** The Full Spectrum Industrial Park 123 provides some or all of these products and byproducts to the Full Spectrum Energy Park 119 and the Full Spectrum Agribusiness Network 121.

**[0064]** The Full Spectrum Energy Park 119 uses solar thermal devices 155, wind turbines 155, water turbines 155, electrolyzers 155, internal combustion engines and generators 155, and so on that are produced and provided by the Full Spectrum Industrial Park 123 to produce renewable energy.

**[0065]** The Full Spectrum Agribusiness Network 121 uses internal combustion engines and generators 155, farm and fishery equipment 167 and other devices produced and provided by the Full Spectrum Industrial Park 123 to produce nutrient regimes.

**[0066]** The energy produced by the Full Spectrum Integrated Production System 113 provides power for all the sub-systems, including reinvesting energy to drive the further production of renewable energy. Concurrently, the some or all of the products

and byproducts produced in the system 113 are invested in the functions of all the sub-systems. At the same time, the wastes produced by the system 113 are captured and used as feedstock for the functions of all the sub-systems. The integrated and interdependent sub-systems use adaptive controls to manage autogenous cascading energy conversions and autogenous regeneration of materials resources. Thus, the system constantly reinvests renewable energy, sustainable materials resources, and other byproducts into the different sources and processes of the sub-systems (Energy Park, Agribusiness Network, Industrial Park). In this manner, the system 113 harnesses larger amounts of the supplied energy and resource from various resources within the system than is achievable with conventional means. This industrial symbiosis generates a multiplying effect on the amounts of various resources and energy harvested from renewable feedstock and byproduct sources within the system, adding value, reducing costs, and improving the environment, among other benefits.

**[0067]** Figure 1D is a schematic illustration of a Full Spectrum Integrated Production System 113 showing various exemplary functional zones for an ocean-based system. The systems shown include an integrated production system on land or ocean with adaptive control of cascading energy conversions and autogenous regeneration of materials resources and production of nutrient regimes. The system includes functional zones for purposes of harvesting and/or generating energy from renewable sources and harvesting material resources from renewable feedstocks that store, retrieve, transport, monitor and control the energy and material resources to achieve improved efficiencies in the production of energy, material resources, and nutrient regimes. Table 1 below expands on exemplary outputs, systems and means associated with the illustrative functional zones.

**Table 1: Full Spectrum Integrated Production System Functional Zones**

<p><b>Full Spectrum Integrated Production System</b></p> <p><b>Functional Zones</b></p>	<p>An integrated production system on land or ocean with adaptive control of cascading energy conversions and autogenous regeneration of materials resources and production of nutrient regimes. The system includes functional zones for purposes of:</p> <ul style="list-style-type: none"> <li>• harvesting and/or generating energy from renewable sources</li> <li>• harvesting material resources from renewable feedstocks</li> </ul> <p>that stores, retrieves, transports, monitors, and controls said energy and material resources to achieve improved efficiencies in the production of energy, material resources, and nutrient regimes.</p>
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Zone	Outputs	Systems and Means
<b>Energy Harvesting Zone</b>	Harvested renewable energy from sources such as: <ul style="list-style-type: none"> <li>• solar</li> <li>• wind,</li> <li>• geothermal</li> <li>• moving water</li> <li>• biomass &amp; biowaste</li> <li>• engine thermal</li> <li>• rejected heat</li> </ul>	<ul style="list-style-type: none"> <li>• solar thermal devices</li> <li>• wind turbines</li> <li>• moving water turbines</li> <li>• heat conversion devices</li> <li>• electrolyzers</li> <li>• adaptive control of autogenous cascading energy conversions</li> </ul>
<b>Energy Production Zone</b>	Renewable: <ul style="list-style-type: none"> <li>• electricity</li> <li>• gaseous fuels (e.g., hydrogen, methane, CNG)</li> <li>• liquid fuels (e.g., methane, biodiesel, HyBoost)</li> <li>• energy carrier feedstock</li> </ul>	<ul style="list-style-type: none"> <li>• hydrogen-fueled internal combustion engines</li> <li>• generators</li> <li>• biomass / biowaste conversion systems</li> <li>• electrolyzers</li> <li>•</li> </ul>
<b>Geologic Storage and Retrieval Zone</b>	<ul style="list-style-type: none"> <li>• amplification of heat energy in stored gases</li> <li>• reclamation of existing chemical and trace mineral resources</li> <li>• mitigation of the variability of renewable energy sources (e.g., solar, wind)</li> </ul>	<ul style="list-style-type: none"> <li>• geothermal reservoirs</li> <li>• wind turbines</li> <li>• gas pressurization systems</li> <li>• heat conversion devices</li> </ul>
<b>Energy Transport Zone</b>	Delivery of: <ul style="list-style-type: none"> <li>• scalable on-demand electricity</li> <li>• gaseous fuels (e.g., hydrogen, methane, CNG)</li> <li>• liquid fuels (e.g., methane, biodiesel, hydrogen-enriched fuel)</li> <li>• energy carrier feedstock</li> <li>• materials resources feedstock</li> </ul>	<ul style="list-style-type: none"> <li>• energy storage and filtration system</li> <li>• pressurized hydrogen and other gases</li> <li>• hydrogen-fueled trucks, barges, ships, and trains</li> <li>• gas pipeline grid</li> <li>• electricity grid</li> </ul>

<b>Biowaste / Biomass Conversion Zone</b>	<ul style="list-style-type: none"> <li>• energy</li> <li>• fuels</li> <li>• energy carrier feedstock</li> <li>• materials resources feedstock</li> </ul>	<ul style="list-style-type: none"> <li>• biodigesters</li> <li>• electrolyzers</li> </ul>
<b>Agricultural Zone</b>	<ul style="list-style-type: none"> <li>• human, animal, and plant nutrition</li> <li>• plant crops</li> <li>• animal crops</li> <li>• biofuel</li> <li>• biomass</li> <li>• biowaste</li> </ul>	<p>Farms and fisheries with:</p> <ul style="list-style-type: none"> <li>• controlled micro-climates</li> <li>• nutrient regimes such as trace minerals and other materials resources to enrich soil and water</li> <li>• water reclamation</li> <li>• integrated biomass and biowaste harvesting</li> </ul>
<b>Material Resources Production Zone</b>	<ul style="list-style-type: none"> <li>• chemical and mineral byproducts (e.g., hydrogen, methane, oxides of carbon, oxides of nitrogen, petrochemicals, ash, nitrogen)</li> <li>• additional byproducts (e.g., hydrogen, carbon, designer carbons, oxygen, ammonia, fertilizer, methanol)</li> </ul>	<ul style="list-style-type: none"> <li>• autogenous regeneration of materials resources from carrier feedstock</li> </ul>
<b>Industrial Park Manufacturing Zone</b>	<p>Green machines such as:</p> <ul style="list-style-type: none"> <li>• solar thermal devices</li> <li>• wind turbines</li> <li>• moving water turbines</li> <li>• heat conversion devices</li> <li>• electrolyzers</li> <li>• polymer thin films</li> <li>• engines and generators</li> </ul> <p>Other industrial goods:</p> <ul style="list-style-type: none"> <li>• designer carbon</li> <li>• industrial diamonds</li> <li>• auto, truck, train, &amp; ship parts</li> <li>• semiconductors</li> <li>• nanotechnologies</li> <li>• farm &amp; fishery equipment</li> </ul> <p>Consumer durable goods</p>	<ul style="list-style-type: none"> <li>• pre-manufacturing preparation of feedstock</li> <li>• materials resources production</li> <li>• zero-emissions manufacturing using renewable hydrogen-fueled internal combustion engines (stationary, vehicle)</li> </ul>

<b>Water Management Zone</b>	<ul style="list-style-type: none"> <li>• water</li> <li>• controlled aquatic micro-climate for system processes</li> </ul>	<ul style="list-style-type: none"> <li>• production of new water</li> <li>• purification of water</li> <li>• reclamation of water</li> <li>• conservation of water</li> <li>• heat sink using water</li> <li>• adaptive control of water within the system</li> </ul>
<b>Control and Coordination Zone</b>	Macro coordination of information across zones to achieve task of zero emissions production of energy, material resources and nutrient regimes	<ul style="list-style-type: none"> <li>• embedded sensing devices in all zones</li> <li>• computer monitoring and control using the embedded sensing devices</li> <li>• automation</li> <li>• robotics</li> <li>• information/data management at microscopic levels</li> </ul>
<b>Education Technology Zone</b>	<ul style="list-style-type: none"> <li>• specialized cross-disciplinary skill development of workforce</li> <li>• job creation at each installation site</li> <li>• new kinds of energy sector jobs appropriate to integrated renewable energy production, renewable material resource production, and renewable nutrient regime production</li> </ul>	<ul style="list-style-type: none"> <li>• integrated training in cross-disciplinary fields</li> <li>• application, monitoring, and performance support in the Full Spectrum Integrated Production System environment</li> </ul>

**[0068]** In some embodiments, the supplement 102 is an assembly capable of generating and providing heat captured from solar energy to an OTEC plant 110. Figure 1E is a block diagram 105 illustrating a supplemented ocean thermal energy conversion system using solar energy as the supplement 102.

**[0069]** An OTEC plant 110 includes a vaporizer 111, a condenser 112, a turbine 113, conduits 114, 115, 116 that contain and transport a working fluid 130 to/from the other components, and an optional pump 117 that moves the working fluid from the condenser to the vaporizer. The OTEC plant 110 also includes a surface water inlet pipe 140 that transports relatively warm water 145 from the ocean surface into the vaporizer 111, and a deep water inlet pipe 150 that transports relatively cold water 155 from the depths of the ocean into the condenser 112.



**[0070]** A solar collector 120 is coupled to the surface water inlet pipe 140. The solar collector 120 receives the surface water 145, warms the surface water to a higher temperature, and provides the warmer water 147 to the vaporizer 111 of the OTEC system 110. Thus, the OTEC system 110, being supplemented with water warmed using a solar collector, operates at an increased efficiency with respect to non-supplemented, conventional OTEC systems, among other benefits.

**[0071]** Figure 2 is a flow diagram illustrating a process 200 for increasing the efficiency of an ocean thermal energy conversion system. In step 210, a solar collector receives water from a surface of the ocean. In step 220, the solar collector warms the received water. In step 230, the solar collector provides the warmed water to an OTEC system. For example, the solar collector provides the warmed water to a vaporizer operating as part of a heat engine within the OTEC system.

**[0072]** In a typical OTEC system, the Carnot efficiency limit is about 6.7% for operation, given surface water temperatures of 25 to 27 degrees C and deep water temperatures at about 5 degrees Celsius. Providing a supplement to an OTEC system can improve the overall efficiency, regardless of the type of heat engine and/or chosen thermal cycle. In some cases, the supplement can improve the efficiency of an OTEC system operating a Rankine cycle with a working fluid of ammonia, halogenated hydrocarbons, propane and/or hydrocarbon mixtures. In some cases, the supplement can improve the efficiency of an OTEC system having a "Claude" type of operation, in which water vapor is flashed from warm surface conditions into a vacuum and expanded across an expander to produce work, before being condensed by heat exchange with cold water from the depths of the ocean. In some cases, the supplement can improve the efficiency of an OTEC system using mist lift systems, such as two-stage mist lift systems.

#### Solar Collector Assemblies

**[0073]** As discussed herein, in some embodiments the system utilizes solar collector assemblies to trap or capture solar energy in order to heat ocean surface water before providing the water to an OTEC plant. Figure 3 is a schematic diagram illustrating an end view 300 of a sectioned solar collector assembly 300. The assembly 300 includes a web of polymer based walls, including a top wall 311, side wall 313, and bottom wall 312 forming a top section 310 having an insulating air space 315 and a top wall 331, side wall 333, and bottom wall 332 forming a bottom

section 330 having an insulating air space 335. The relatively thin polymer walls and/or spaces formed by the walls trap solar energy. The trapped solar energy heats water contained by channel 320 in sub-channels 325 formed by the walls 312, 331, and 314. The trapped solar energy also prevents evaporative cooling of water contained by the channel 320. The channel 320 enables the assembly 300 to receive water from the ocean, store the water in the assembly, heat the water in the assembly, and transport the water to a destination, such as a heat engine that is part of an ocean thermal energy conversion system.

**[0074]** The solar collector assembly 300 may be weld-fabricated using large rolls of sheet stock, or extruded and/or extrusion blow-molded as an integral assembly with the insulating air space(s) formed by various walls. Current polymer technology provides thin films that are strong, of low gas and moisture permeability, low cost, and capable of being tailored for applications such as the high volume production of “bubble pack” and other types of packaging.

**[0075]** In some cases, the solar collector assembly 300 may utilize such materials in manufacturing “clear” or relatively transparent walls used to transmit the full spectrum (i.e. all wavelengths) of energy received from the sun to water stored in or transported by the channel 325. In some cases, the solar collector assembly 300 may utilize clear or transparent materials for walls 311, 312, and utilize dark or opaque materials (e.g., carbon microcrystals) for other walls, such as walls 332, 314. Further details regarding the use of various materials in manufacturing opaque walls may be found in related copending applications referenced and incorporated above. The selective use of materials having different light transmission properties and characteristics allows the assembly 300 to conductively and/or radiatively heat water passing through the channel 315 to high temperatures, such as temperatures of 30-45 degrees C. Of course, other factors may contribute to realized temperatures, such as the velocity of the water, the surrounding wind chill, the currents in the ocean, the available solar energy (insolation), and so on.

**[0076]** Warming and providing water at such temperatures can increase the operation efficiency of the OTEC system, as described above. For example, using a suitable thermodynamic cycle with heat rejections at deep water temperatures of 4-6 degrees C, providing ocean water at a temperature of 35 degrees C improves the

Carnot efficiency limit from 6.7% to about 9.7%, and heating the ocean water to 45 degrees C improves the Carnot efficiency limit to about 12.6%.

**[0077]** Practical OTEC systems, however, have undesirable temperature drops, equipment losses due to wind and friction, and inherent requirements to use a portion of output energy to drive pumps and other auxiliary components. These factors generally reduce the actual thermal efficiency of OTEC systems utilizing surface ocean water at 25-27 degrees C to about 3%. However, increasing the temperature of the surface water using a solar collector, such as solar collector 300, to 35 degrees C increases the practical efficiency from 3% to 6%, and increasing the temperature of the surface water using the solar collector to 45 degrees C can increase the practical efficiency to about 9%, or three times the practical efficiency of conventional OTEC power plants. Such improvements in efficiency realize faster payback of initial OTEC plant costs along with far lower production costs for renewable energy, and other benefits.

**[0078]** In some cases, the solar collector assembly 300 is fabricated using polymer films with air cells similar to those in "bubble-pack" assemblies. In some cases, the solar collector assembly 300 is extruded from a barge or ship using an extrusion die pressure fed by an extruder to convert transparent polymer feed stock, such as pellets, into the walls 311, 312, while another extruder delivers black polymer feed stock to convert the feed stock into the walls 314, 331, 332. Such fabrication techniques facilitate large solar collector lengths (e.g. 1-10 miles) or other specific lengths necessary for collection of specific energy levels needed by an OTEC plant.

**[0079]** Figure 4 is a schematic diagram illustrating a side view 400 of a solar collector assembly having closed air cells. The solar collector assembly includes a channel 320 and insulating spaces 310 and 330. Closures or depressions 410 and 420 are formed on the insulating spaces. For example, deforming and welding walls together creates the depressions and a panel assembly that floats on water. The depressions may be covered with a thin plastic strip (not shown) to create smooth surfaces on the top and bottom of the solar collector assembly. The depressions may be used to hold suitable stiffeners and/or weights to lower the center of gravity of the assembly.

**[0080]** In some embodiments, the solar collector assembly may overcome or prevent convective current losses by adding a horizontal web 510, 520 to the

insulating spaces 310, 330. Figure 5 is a schematic diagram illustrating a side view 500 of a solar collector having a web 510 within the insulating spaces. The web 510, 520 provides an additional layer or wall in which to contain heat within the insulating spaces and/or within the channel 320. The web 510, 520 may be within one or both spaces, and may be fabricated from clear or opaque materials, depending on the needs of an OTEC system.

**[0081]** Figure 6A is a schematic diagram illustrating an end view of a sectioned solar collector assembly 600 having linear lenses. The assembly 600 includes lenses 610 having insulating spaces formed from walls 612, 614, 620, and the lenses, and a channel 625 that stores ocean water and receives the heat captured by the insulating spaces 615. The lenses 610 refract and collect early morning and/or late afternoon sunlight that would normally reflect from flatter walls of an assembly. The lens, in some cases, provide a better daily conversion of solar energy to heat, and provide trussing of the assembly to improve the strength and rigidity of the assembly, among other benefits.

**[0082]** Some of the lenses 610 and walls 612, 614, 620 may be fabricated of material that transmits the entire solar spectrum, while other lenses may be fabricated of material that transmits infrared wavelengths corresponding to 50 degrees C or cooler. For example, the walls may be opaque in order to convert solar radiation into heat, which warms water passing through the channel 625. The air in space 615 insulates the warm water in the channel 625. Applying a coating to the walls 612, 614, 620 allows for reflection of infrared wavelengths to 50 degrees C or cooler.

**[0083]** In some embodiments, a solar collector assembly may overcome or prevent convective current losses by filling the insulating spaces with a gas having a lower thermal conductivity than air. Table 1 shows the relative thermal conductivity of gases suitable for filling the insulating spaces.

SUBSTANCE	THERMAL CONDUCTIVITY
AIR	0.026 (W/mKsec) (100%)
Ar (Argon)	0.018 (69%)
CO (Carbon Monoxide)	0.025 (96%)
CO <sub>2</sub> (Carbon Dioxide)	0.017 (65%)

He (Helium)	0.151	(580%)
H <sub>2</sub> (Hydrogen)	0.182	(700%)
Ne (Neon)	0.049	(188%)
N <sub>2</sub> (Nitrogen)	0.026	(100%)
O <sub>2</sub> (Oxygen)	0.027	(104%)
C <sub>3</sub> H <sub>8</sub> (Propane)	0.016	(63%)
H <sub>2</sub> O (Water)	0.59	(2300%)

Table 1

**[0084]** For example, carbon dioxide and argon offer a much lower thermal conductivity than air, and provide a greater insulation to the warm water in the channel. Also, some selected gases, such as carbon dioxide, sulfur hexafluoride, or an oxide of nitrogen, may also block or inhibit the loss of heat by IR radiation from the heated water.

**[0085]** In some cases, the solar collector assembly may include pressurized insulating spaces to strengthen or rigidize the solar collector assembly. In some cases, the solar collector assembly may be fabricated from low permeability materials or composite layers or surface treatments to hold air or other less-conductive gases under various desirable pressures within the insulating spaces.

**[0086]** Figure 6B is a schematic diagram illustrating a device 650 for producing pressurized gases for a solar collector assembly. Pressurized oxygen is delivered through a port 652 to a ceramic chamber 654 where a carbon donor 656 is combusted to produce carbon dioxide. Thermal transfer to carbon donor 656 may be achieved with induction heating coils 658. The carbon donor 656 may be any suitable source of carbon, including polymers selected from ocean trash accumulations and other substances such as paraffin and polyethylene, or carbon in the form of a cylindrical bar stock, as shown. Electrodes 662, 664 provide plasma to ignite the carbon donor bar stock 656. Carbon dioxide is delivered to the device by a port 660. Retracting the carbon donor bar stock 656 allows rotation of a check ball valve 668 to cut off the oxygen and extinguish the reaction, possibly ending the production of carbon dioxide. If present, water vapor may be left as an IR blocker gas, or may be trapped or filtered out of the device, depending upon ambient conditions such as temperature and/or pressure changes.

**[0087]** At times, ocean conditions may provide opportunities to utilize or create currents of relatively warm water for improved heat delivery to an OTEC plant. Figure 7 is a schematic diagram illustrating a solar collector for use with water currents. The solar collector assembly 700 includes layers of thin, transparent polymers that may hold insulating gas (e.g., air or carbon dioxide) in an insulating space 710 to trap solar energy in the water 715 beneath the collector. The trapped energy may prevent evaporative cooling of the water 715, or may provide heated water 715 as a supplement to an OTEC plant. Such an assembly, or "Solar Collector Barge," 700 includes thin transparent glazing(s) 711, 712 spaced apart by connecting web(s) 713 for maximizing the solar energy trapping and insulating functionality of the assembly. The layer 712 may reflect and/or absorb wavelengths corresponding to radiation from substances at 50 degrees C or cooler, to effectively trap and retain solar energy in the water 715. The assembly may include subsurface extensions of gas-insulated walls 720 at the edges, and flood cells 722 with water or provide additional stiffeners and/or weights as needed to stabilize the assembly in the water. The assembly may be straight or curved in configuration in order to cancel or provide Coriolis acceleration as the water 717 travels into and out of the barge

**[0088]** In some cases, the barge 700 may include stiffening panels to the vertical sides 720 or include stiffener truss struts and braces below or above the waterline between the vertical sides 720. The barge may include position thrusters to achieve and maintain a desired position and orientation of the barge 700 in an ocean current or stream.

**[0089]** In some cases, the barge 700 and various layers are formed by extrusion to create extrusion blow-molded structures that incorporate polymer preparations including recycled and/or reconstituted polymers derived from ocean trash. Components of the barge may collect polymer articles that have been discarded into the ocean and thermoplastically reform or otherwise chemically alter and/or incorporate certain ingredients to form mixtures or alloys of the walls of the barge. For example, ships or barges may operate in the ocean on feedstock including materials recovered from ocean trash accumulations and/or on land-based plants that utilize discarded or conventionally discarded polymer products to prevent such materials from being added to the trash accumulations in the world's oceans.

#### Solar Energy Supplemented OTEC Systems

**[0090]** As described herein, the system may add a supplement, such as the various solar collector assemblies described herein, to an OTEC system, in order to increase the efficiency of a heat engine of the OTEC system. Figure 8A is a schematic diagram illustrating a top view 800 of a supplemented OTEC system.

**[0091]** The system includes an OTEC plant 810 surrounded by a synergistic heat-conserving spiral formed solar collector assembly 820. The spiral assembly 820 may be stabilized with high-strength carbon reinforced polymer netting (not shown) that extends across the top and bottom of the spiral assembly. In some cases, additional support and stabilization may be provided by occasional tie-lines from the top netting to the bottom layer. The netting may be electrometric in applications that have extreme variations in ambient temperature, allowing each spiral length and width to change in order to accommodate thermal contraction and expansion. In some cases, additional support and stabilization may be provided by thin strips of polymers, such as strips used to cover various formed seams. In some cases, additional support and stabilization may be provided to each additional spiral layer by a suitable adhesive, or by welding to fasten the assembly. In some cases, additional support and stabilization may be provided with high strength radial cables or straps along with circumferential straps.

**[0092]** Thus, the resulting spiral assembly is self-stabilizing despite being formed of inexpensive thin polymer walls. In some cases, the assembly may be configured to provide air-cushioned vehicle travel over the spiral collector assembly 820 for personnel travel to and from the OTEC plant 810 in the center of the spiral.

**[0093]** In operation, water from the surface of the ocean enters the spiral assembly 820 at an inlet opening 824. The water travels through the assembly, receiving heat from the spiral assembly during the transport. The water is provided to the OTEC plant 810 via an outlet opening 822 coupled to the OTEC plant 810. Of course, the assembly 820 may include fewer or more spirals than shown in the Figure, may be partially spiraled, may be longitudinal, or may be assume many other configurations as needed.

**[0094]** This, in some embodiments, the supplemented OTEC systems described herein improve upon the material-utilization efficiencies of conventional OTEC plants that require use of insulated pipes to pump ocean water from considerable distances in order to provide the highest available water temperature from the surface and the

coldest available temperature from the ocean depths, among other things. The spiral assembly, in some embodiments, facilitates the delivery of heated water at a desired temperature and facilitates the collection of warm temperature water near the spiral assembly.

**[0095]** That is, for the same volume of material inventory, a spiral thin-walled assembly provides a higher thermal efficiency over long pipes used to pump water from large distances. Example materials include polyolefins, polyvinyl fluoride  $(C_2H_3F)_n$ , polyvinylidene fluoride  $(C_2H_2F_2)_n$ , and numerous other high temperature polymers, including materials that have been discarded into the world's oceans. In some cases, the assembly 820 is fabricated using U.V. resistant fluoropolymers, including modifications such as polyvinyl-fluoride, for transparent layers, and is fabricated using polyolefins such as polyethylene or polypropylene, for the black or selective transmission layers that enhance the solar gain in portions of the assembly.

**[0096]** Figure 8B is a schematic diagram illustrating a top view 850 of a supplemented OTEC system having multiple solar collector assemblies. The OTEC system includes an OTEC plant 860 on a barge or ship, and two or more solar collector assemblies 820 that provide heated water to the OTEC plant. In some cases, the utilization of multiple solar collector assemblies 820 allows solar energy to be stored in a "bank" of collectors for supplying hot water to the OTEC plant 860 at night and/or during overcast weather. For example, during the day the OTEC plant 860 is supplemented by water heated by one or more collector assemblies 820, while one or more additional solar collector assemblies heat and store the heated water for later use. In some cases, the collector water inlet is located on the inside of the spiral to prevent debris from clogging inlet filters.

**[0097]** The water in the solar collector assemblies that store the heated water may be heated to 65 degrees C in order to realize an extra high efficiency of operation and/or to mix the hottest water with unheated sea water to produce warm water at 45 degrees C for extending the operation time of a supplemented OTEC plant 860 at night and/or during overcast days. The solar collector assemblies 820 may be wound clockwise or counterclockwise, although in some cases they are configured to provide Coriolis acceleration from the inlet to the outlet of the water being heated.



**[0098]** Figure 8C is a schematic diagram illustrating a top view 865 of a supplemented OTEC system having multiple solar collector assemblies and multiple barges and OTEC plants. The system includes two or more solar collector assemblies 820 and two or more barges 860, 862, 864, 866. The multiple barges may include one or more OTEC plants supplemented by the heated water from the solar collector assemblies, and may include other types of energy generating systems and plants, such as hydrogen generation plants, carbon generation plants, and so on. That is, the system may facilitate supplementing an OTEC plant with other generative processing systems, such as those described herein.

**[0099]** In some cases, where an OTEC plant requires higher flow requirements and/or less dwell time, the system may incorporate two, three, four, or more spiral assemblies that extend from the OTEC plant. Figure 9 is a schematic diagram illustrating a top view 900 of an OTEC plant supplemented by multiple spiral assemblies. The OTEC plant 910 receives the delivery of heated water from three spiral assemblies 920 interchangeably coupled to solar collector barge 860 by connector elements 925. As described herein, the length of the spiral assemblies provides for delivery of solar heated water during the night, such as for certain applications that utilize night periods for leveling electrical loads (e.g., operations that include the electrolysis of water to produce hydrogen and oxygen at night). The heating and storing of heated water within the spiral assemblies facilitates improved day and night thermal efficiencies, among other benefits. Additionally, the production of hydrogen by electrolysis at night facilitates electricity sales at night that improve the return on investment for expensive OTEC plants, among other benefits.

**[00100]** In some embodiments, the surface length, width, and depth of heated water is proportioned to deliver the thermal requirements of an OTEC plant while utilizing the natural momentum of ocean currents and enables very low cost solar collection, storage and delivery to an OTEC plant. Figure 10 is a schematic diagram illustrating a top view 1000 of an OTEC plant supplemented by solar collector barges. Natural or created ocean currents of relatively warm water moving toward an OTEC plant 1010 are heated by two or more solar collector barges 1020 for delivery and/or storage of the heated water to optimize the operations of the OTEC plant 1010. In some cases, the depth of suitably heated water would increase as the water passes through the barges 1020, and/or would change in cross-sectional proportions, as

needed, to optimize the efficient operation of heat exchangers in the OTEC plant 1010.

**[00101]** Figure 11 is a schematic diagram illustrating a side view 1100 of a solar collector assembly configured to directly heat a working fluid used by a heat engine. For example, the solar collector assembly may directly heat working fluids, such as ethane, propane, butane, ammonia, and/or halogenated hydrocarbons including selected mixtures, for operation of closed or combined cycle OTEC plants. Such an assembly may eliminate the need for a biofueling heat exchanger, and may realize a higher temperature achievement for the working fluid over other techniques. The solar collector assembly may utilize a thermodynamic cycle such as a Larsen-McAlister cycle, a Brayton cycle, an Ericsson cycle, and/or a Rankine cycle, in which the working fluid is pressurized to provide a greater density and pressure drop for vapor expansion in a power turbine.

**[00102]** The selected working fluid is heated within target tube(s) 1116. The lenses 1102 and 1104 and webs 1106 and 1108 are transparent to solar radiation. The solar radiation may be concentrated to a desirable extent by a ratio of the apparent area of 1102 to the apparent area of 1116. The webs 1106 and 1108 serve as light pipes and/or reflective guides to deliver light into the tube(s) 1116, which may be opaque or transparent, depending upon the optical and chemical properties of the selected working fluid. The support and insulated isolation of the tube(s) 1116 may employ opaque polymer webs such as webs 1110, 1112 and bottom web 1114, as shown. In some cases, the assembly includes insulated and long-IR-blocking gases, such as carbon dioxide, argon, oxides of nitrogen, or sulfur hexafluoride, in channels 1120, 1122, 1124, and 1126 to trap heat delivered to the fluid in the tube(s) 1116 and to minimize convective, conductive and/or radiative losses from the tube(s) 1116. The channels 1118, 1120, 1122, and 1124 are designed to have the volume/pressure needed for desired submergence and/or to adjust the buoyancy or rigidity of the assembly.

**[00103]** Figure 12 is a schematic diagram illustrating a top view 1200 of a land-based OTEC plant supplemented by solar collector assemblies. An OTEC plant 1212 on land 1210 is supplemented by various different types of solar collector assemblies, including a spiral collector assembly 1224 and linear solar collector 1222 at sea 1220, and land-based solar collectors 1214.

**[00104]** For example, the OTEC plant 1212 may be served by a spiral collector assembly 1224 that is about 1.5 miles in diameter for delivery of collected solar thermal energy sufficient to provide a net output of 10 MW of electricity from the OTEC plant 1212. The OTEC plant 1212 is also served by solar concentrators 1214, which may be point-focus types for heating hydrogen working fluid to about 800 degrees C for expansion in a regenerative system based on a heat-engine cycle such as a Stirling cycle, an Ericsson cycle, and/or a Brayton cycle. The heat not converted into work and/or electricity by the regenerative energy conversion system may be used to warm incoming ocean water for improving the OTEC efficiency, or rejected to the cold ocean water delivered by conduit 1222 to maximize the overall energy conversion efficiency.

**[00105]** In some cases, the system may utilize an extension of the solar collector assembly 1224 as a conduit for continued solar heating and insulation of heated water. In some cases, the system utilizes the heated ocean water from one or more of the solar collector assemblies while one or more additional solar collector assemblies heat and store solar warmed water for use at night.

#### Integration of SOTECs with other Generative Systems

**[00106]** As described herein, in some embodiments an OTEC plant is integrated with other generative systems, such as hydrogen generation systems, methane generation systems, and so on. That is, adding an OTEC plant into a recyclable system used to generate resources may facilitate the increased economic development of resources and nutrient regimes, among other benefits.

**[00107]** Figure 13 is a schematic diagram 1300 illustrating an OTEC plant supplemented by heat from geological formations. For example, an OTEC plant 1304 is at a location where the water is too cool at the surface or too warm at the depths to support sufficient generation electricity. The OTEC plant 1304 is supplemented by heat from a solar collector assembly 1303 and/or by heat from an electrolyzer 1306 or a heat engine 1307. The electrolyzer 1306 and/or heat engine 1307 may utilize on-site and/or pipeline accessed underground storage of hydrogen in a suitable geological formation 1314, which may or may not bear appreciable amounts of fossil hydrocarbons, to use fuel cells in a regenerative mode to meet sufficient electricity generation standards.

**[00108]** The size of a pipe 1310 should be sufficient for the storage of hydrogen that is produced. For example, during times of low solar gain or at night the system can meet electricity demands by utilizing hydrogen from the storage pipe 1310 and/or from the subterranean storage reservoir 1314 to power the heat engine 1307 and/or the reversible electrolyzer fuel cell(s) 1306. The additional storage of hydrogen is provided by the delivery of the hydrogen through pipeline 1320 and or through the tube 1302 and/or horizontal extension tube 1312 into depleted petroleum formations and/or other suitable formations such as salt or limestone caverns in continental locations closer to markets for electricity and/or hydrogen.

**[00109]** North America and other continents include geological formations that are suitably porous and sealed at a depth sufficient to safely and efficiently store hydrogen. Such formations have stored methane for millions of years, where organic materials were deposited at the time of their geological development. Such formations have also stored hydrogen produced by continental drift-induced collisions of hot olivine and limestone for millions of years.

**[00110]** Additionally, offshore oil and natural gas formations are similarly proven geological settings for long-term storage of hydrogen produced by electricity from OTEC plants. Referring back to Figure 13, the delivery of hydrogen from the OTEC plant 1304 to land markets is facilitated by pipeline 1320 which connects through valve head 1322 to pipeline 1324 and thus to valve 1338 to supply wellhead and pipe 1316 to subterranean storage 1326.

**[00111]** In some cases, the heat engine 1307 is a rapid start engine that can quickly provide electricity and additional heat to the OTEC plant 1304 to improve the output of the plant. The OTEC plant may utilize supplemented energy, such as solar energy, to dissociate hydrocarbons, such as methane hydrates, into hydrogen and carbon. The hydrogen can be used in the heat engine 1307 and/or the fuel cell 1306 to provide shaft work and/or electricity. The carbon can be used to manufacture durable goods, including wind, wave, hydro and/or solar harnessing equipment. Further details regarding the dissociation of hydrocarbons and other similar processes may be found in related copending applications referenced and incorporated above.

**[00112]** The ability of OTEC systems to operate in waters that do not provide sufficient temperature differences between surface waters and deep waters facilitates utilizing OTEC plants to produce methane from clathrate deposits. Details regarding

the production of methane from clathrate deposits may be found in related copending applications referenced and incorporated above.

**[00113]** Referring to Figure 13, methane recovered from clathrates and other ocean resources is delivered into pipe 1310 and pressurized by the electrolytic production of hydrogen using the electrolyzer 1306. The thermochemical dissociation of a hydrocarbon compound or polymer or methane from clathrates to produce carbon and hydrogen and/or electrolysis of water to provide pressurized hydrogen is considerably more efficient than operating a mechanical pump to pressurize hydrogen. Also adding pressurized hydrogen to methane in a confined space produces a mixture that is at a greater pressure than the methane at the start of hydrogen addition. Accordingly, mixtures of hydrogen and methane are delivered by the pipe 1320 to the land markets depicted or stored in formations 1314 and/or 1326 as needed to improve overall system economics and meet market conditions, among other benefits.

**[00114]** The storage of hydrogen and/or mixtures of hydrogen and methane in depleted oil and natural gas in reservoirs, such as formation 1326, facilitates the increased recovery of fossil hydrocarbons, among other things. The storage of hydrogen improves the permeability of fossil hydrocarbon formations. The storage of hydrogen facilitates providing needed heat by directed addition of oxygen and combustion of hydrogen in locations needing the heat, such as for the production of fossil hydrocarbons from tar sands, shale, and depleted oil and natural gas formations.

**[00115]** Thus, electricity from an OTEC plant 1304 or other renewable energy conversion operations is utilized to produce oxygen and hydrogen by an electrolyzer 1330. Pipeline 1332 delivers the hydrogen to enrich and pressurize natural gas and methane as needed to pipeline 1324, and/or for storage in formation 1326, as shown. The oxygen produced and pressurized by electrolyzer 1330 is sent to medical and other commercial markets and is delivered through conduit 1334 to combust hydrogen to heat hydrocarbons for increased production from reservoir 1326, as shown.

**[00116]** In some embodiments, electricity produced by an OTEC plant, such as a supplemented OTEC plant, is used in an electrolyzer to produce hydrogen and oxygen. The addition of supplemental energy, such as concentrated solar energy provided by a solar collector, reduces the electrical energy required for electrolysis in

the electrolyzer. For example, about 18 grams (one gram mole) of water is decomposed by electrical work equivalent to the free energy of formation  $\Delta G$ , which is 237.13 kJ. This process is endothermic and consumes additional energy equal to  $(T\Delta S)$  of 48.7 kJ/mol, which is the work done in expanding the produced hydrogen and oxygen to standard temperature and pressure.

$$\begin{array}{lll} \text{[00117]} & \Delta H = \Delta G + T\Delta S & \text{Equation 1} \\ & (285.83 \text{ kJ/mol} = 237.13 \text{ kJ/mol} + 48.7 \text{ kJ/mol}). \end{array}$$

**[00118]** Because the dissociation process is endothermic, the system can utilize solar energy and/or waste heat from other processes. The additional heat elevates the temperature of the electrolysis because the heat reduces the amount of Gibbs free energy ( $\Delta G$ ) that must be provided as electrical work. Thus, the total applied voltage is less than required to dissociate water at ambient temperature.

**[00119]** Assuming that the endothermic energy comes from a waste heat source or the environment, the minimum applied voltage to dissociate water is:

$$\begin{array}{lll} \text{[00120]} & \Delta G = -nFE^\circ & \text{Equation 2} \end{array}$$

**[00121]** As this minimum voltage requirement ( $E^\circ$ ) is dependent upon the change in free energy ( $\Delta G$ ),  $E^\circ$  is equivalent to  $\Delta G$  divided by the number of electrons exchanged ( $n$ ) times the Faraday constant ( $F = 9.648 \times 10^4$ ) or ( $nF$ ). As the electrolysis temperature increases above standard temperature of 25°C, the free energy approaches zero as the temperature of electrolysis approaches the temperature that would be produced by an adiabatic stoichiometric combustion reaction.

**[00122]** In some cases, increasing the pressure of electrolysis produces pressurized hydrogen and oxygen storage at a desired density. Increasing the pressure requires a higher voltage for electrolysis. Equation 3 illustrates the relationship of pressure and voltage requirements. Electrolysis voltage ( $E_p$ ) can be found by adding the Nernst adjustment for pressure rise to  $E^\circ$ :

$$\begin{array}{lll} \text{[00123]} & E_p = E^\circ + RT/nF \ln P_{H_2}(P_{O_2})/P_{H_2O} & \text{Equation 3} \end{array}$$

[00124] Assuming that the hydrogen and oxygen are produced at the same pressure and the feed water is liquid at the same pressure, Equation 3 is simplified to:

$$[00125] \quad E_p = E^{\circ} + 3RT/4F (\ln P_i/P_{atm}) \quad \text{Equation 4}$$

[00126] Thus, the increase in voltage to produce 10,000 PSI oxygen and hydrogen from 10,000 PSI water is:  $3RT/4F \ln P_i/P_{atm} = 3RT/4F \ln 680.3 = 3 (8.3144 \text{ J/molK})298K (6.522) /4(9.648 \times 10^4) = 0.125 \text{ V}$ .

[00127] Adding heat to vaporize water lowers the voltage required to dissociate water.

$$[00128] \quad \Delta G^{\circ}_T = \Delta H^{\circ}_{T(298K)} - T\Delta S^{\circ}_{298K} \quad \text{Equation 5}$$

[00129] Thus the voltage required for dissociation approaches zero as  $T\Delta S^{\circ}_{298K}$  approaches  $\Delta H^{\circ}_{T(298K)}$ , which is 285.83 kJ/mol. The change in entropy at standard temperature ( $\Delta S^{\circ}_{298K}$ ) is 0.1634 kJ/mol, therefore

$$[00130] \quad 285.83 \text{ kJ/mol} / 0.1634 \text{ kJ/mol} = 1,749K \text{ or } 1,476^{\circ}C (2,689^{\circ}F). \quad \text{Equation 6}$$

[00131] Figure 14 is a schematic diagram illustrating an OTEC system supplemented by geothermal energy. In some embodiments, an OTEC system utilizes geothermal energy from formations beneath the ocean floor in conjunction with the heat sink of cold water and/or methane ice formations near the ocean floor. For example, the OTEC plant may utilize a well that contains new or relatively depleted oil or gas wells in a new cycle. Temperatures of petroleum producing formations beneath ocean floors generally exceed the temperature of the ocean surface. The potential efficiency limit for a typical cycle for utilization of heat provided by such formations to working fluids such as those listed in Table 1, depending applications referenced and incorporated above, or by the fluid being extracted from such formations, is summarized in Equation 7:

$$[00132] \quad \text{Efficiency Limit} = 1 - T_L/T_H \quad \text{Equation 7}$$

[00133] When the highest temperature achieved by the working fluid for expansion to produce work is 100°C (212°F) and the heat-rejection temperature at the

end of work production is at the general temperature of gas hydrates, such as 6°C (42.8°F), a limit of efficiency is shown in Equation 8:

**[00134]** Efficiency Limit =  $1 - 279^{\circ}\text{K}/373^{\circ}\text{K} = 25\%$  Equation 8

**[00135]** Figure 14 illustrates operation of an OTEC system 1400 using geothermal resources in conjunction with petroleum production, such as natural gas and/or oil from geothermal formation 1402, from a suitable vertical well 1404, or from horizontal extension 1406. The petroleum is delivered to the surface after providing heat exchange to a selected working fluid at a suitable location 1412, such as near the ocean floor by the pressure of formation 1402 and/or by the assistance of a suitable pump 1408 to provide delivery through insulation system 1410, as shown. Heat is transferred by a suitable heat exchanger such as a countercurrent heat exchanger 1414 to vaporize and/or superheat a suitable working fluid in the circuit with a suitable motor such as a turbine 1416 or 1420 that drives an integral generator for electricity production. The vapors from the working fluid expansion and work production are condensed by a heat exchanger 1418 to cold ambient temperature sea water and/or clathrate formations, when the system is further provided with a collection system as described in related copending applications referenced and incorporated above, which is hereby incorporated by reference in its entirety. The condensed working fluid is heated and revaporized by the heat exchanger 1414, as shown. Petroleum is delivered through delivery device 1424 to the surface by various arrangements, such as a floating or anchored platform 1422 to facilitate pipeline transmission (not shown), tanker delivery, such as by tanker 1426, and so on.

**[00136]** Figure 15 is a schematic diagram illustrating integrating an OTEC system 1500 with other energy generation systems. The system 1500 transports hot fluid from a geological formation 1501 such as may be found beneath the ocean floor to the surface of the ocean. At or near the surface further heat additions may be provided to improve the energy conversion efficiency from solar, wind, moving water, heat engine, thermochemical regenerator, or fuel cell sources, and/or heating of another working fluid such as evaporant from ocean water provided by flow through pickup 1510 or ammonia (not shown) by counter current heat exchangers 1508, 1530, 1520, and expansion of such working fluid to near the cold temperature of the ocean floor at condenser 1536 as shown to condense the working fluid, which is shown as liquid water 1538.



**[00137]** After the pressure and most of the thermal energy of heated vapors are expended by accomplishing work on motors, such as one or more expansion turbines 1530, 1528, and turning vanes, such as 1532 and turbine 1534, and further cooling by ocean water, condensed pure water 1538 at the vapor pressure commensurate with the temperature of the cold ocean floor is delivered by pump 1550 to pipeline 1552 for transport to the surface for deliveries by ships or to land by pipeline 1552, as shown. Depending upon ocean conditions, in some cases, the condenser 1546 may be placed closer to the ocean surface near the expansion turbine 1544 and the cold water is pumped from cold depths to provide cooling of the vapors traveling downward past turbine 1544.

**[00138]** During operation, the hot fluid (such as oil, natural gas, and so on) from a suitable well that may include a horizontal collector 1502 is passed upward by formation pressure and/or by additional pressure provided by pump 1503, as shown, through an insulated conduit assembly 1504 to a suitable heat exchanger 1508 in insulated heat exchange well 1506, as shown. Petroleum is then stored in vessel 1516 on a suitable platform such as energy-barge 1536 for shipment to market, or some or all of the petroleum may be utilized to provide more valuable carbon for production of durable goods along with hydrogen by dissociation, as generally summarized for various hydrocarbons ( $C_xH_y$ ) in Equation 9:

**[00139]**  $C_xH_y + \text{HEAT} \rightarrow xC + 0.5yH_2$  Equation 9

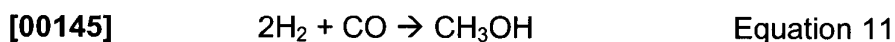
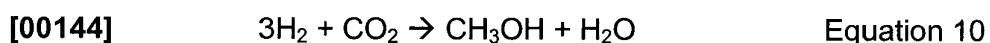
**[00140]** The energy barge 1536, or another suitable platform, may host one or more solar energy conversion systems, such as concentrators 1526, one or more wave generators 1524, and/or one or more wind generators 1556.

**[00141]** The heat in Equation 9 may be provided by harnessing kinetic energy from wind, waves, ocean currents, or solar energy, such as may be provided by a suitable radiation trap and/or point-focus concentrator 1528 or suitable line-focus systems. In some cases, the electricity generators that convert solar, wind, moving water, and/or geothermal energy may be utilized to drive resistive and/or inductive heating systems that supply part or all of the heat shown in Equation 9 to drive the endothermic process shown in Equation 9.

**[00142]** Hot inventories of hydrogen and carbon produced in reactor 1526 are utilized to provide preheating of hydrocarbons delivered to reactor 1526 by the

counter-current heat exchange system described herein, when there is a sufficient thermal gradient to provide the additional heating of water vapors delivered by a suitable filter and pump assembly 1510. Following the heat deliveries, hydrogen may be stored in a suitable tank 1532 and carbon for manufacture of durable goods may be stored in tank 1532.

**[00143]** In some embodiments, photosynthesizing plants are grown in conjunction with the operations described herein, and such plant crops are anaerobically processed to provide thermal dissociation or microbial digestion to produce methane, carbon dioxide and/or carbon monoxide. The hydrogen produced by reactor 1518 may be stored as an energy-dense liquid, such as methanol. Equations 10 and/or 11 summarize processes in which carbon dioxide from one or more suitable sources reacts with hydrogen to form one or more dense, easily stored, and conveniently transported liquids:



**[00146]** Figure 16 is a schematic diagram illustrating a system 1600 for integrating an OTEC system with methane release mechanisms. In many locations, an OTEC system and other generative systems described herein may be located in areas having earthquakes, changes in ocean currents, ocean warming, land erosion and/or other disturbances that release methane and other greenhouse gases from clathrate deposits.

**[00147]** The system includes an impervious film 1638, such as polyethylene, established over an extensive area of such clathrates to contain and deliver released methane, carbon dioxide, water, and other substances that are released from deposits 1644 in response to the heating of the deposits by the circulation of warmed fluid through a conduit 1640 or delivered by the conduit 1640 from sources such as heat exchanger 1630 in a turbine casing 1642. Alternatively, a pipe or conduit 1636 channels to distribute water-borne organic and mineral values from the ocean depths including clathrate deposits to the feeding systems for fish, shrimp, oyster beds, etc..

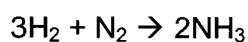
**[00148]** Suitably cold water from the depths of the ocean and/or from ice and liquid water released from clathrates beneath the film 1638 is delivered to heat exchanger 1630 by pump 1637. After being heated by a suitable heat exchanger,

such as the counter current heat exchanger 1630, the warmed water may be further heated by additional heat exchange from working fluids of various energy conversion processes on platform 1603, such as OTEC processes, or returned through return conduit 1632 to the methane hydrate formation beneath the film 1638 at a desired rate to controllably release additional methane that is delivered to the surface platform 1603 for solar, wind or moving water driven energy conversion processes that support thermochemical regeneration to produce carbon and hydrogen from such methane. Additional hydrogen may be produced by similar dissociation of natural gas and/or oil produced by well 1660, which in many cases is from a deep geothermally significant formation 1662, as shown.

**[00149]** Intake 1616 feed ocean water into solar collector 1602. The water vapor produced by the heat gain from the solar collector 1602 and additional heat contributions rejected from solar dissociation of methane or oil as performed by suitable line-focus or point-focus solar concentrators 1610 and from wind generators 1608 mounted for example on platform 1606 and/or by harnessing moving water such as by wave generators 1612, 1650, provides electricity through, for example, line 1604 for induction heating of methane and/or oil to produce hydrogen and carbon. The wave generators 1612, 1650 includes a tube generator assembly to provide buoyancy for tensioning the base cable against anchor 1652. Various types of designer carbon products are produced, including super activated carbon that is collected in tanks and warehouses 1614 for distribution to various markets, including renewable resources industrial parks.

**[00150]** The system 1600 may produce various fertilizers including ammonia or ammonium sulfate, with additions of potassium, phosphorus, iron and various other mineral restoration selections. The hydrogen produced by the processes disclosed as in Equation 9 may be reacted with nitrogen that is collected from the atmosphere by various processes, such as those described in copending applications referenced and incorporated above. Surplus hydrogen combustion in a heat engine eliminates oxygen and produces water that is separated to provide for a reaction of hydrogen and nitrogen to produce ammonia. Equation 12 summarizes such processes of ammonia production:

**[00151]**



Equation 12

**[00152]** The system may also provide various produced substances to fish hatcheries and and farms and to attract wild fish and other desired marine life along with other entities growing organic matter, such as hatcheries 1664-1671. Clathrates such as methane hydrates are warmed to release nutrients including organic substances and trace minerals. Such mineral and organic values are delivered by suitable distribution conduits to nourish oysters, shrimp, various fish selections and so on, from suitable pipes such as shown by pipe 1640.

**[00153]** Thus, the system may utilize various components of an OTEC system, such as a working fluid, as an energy exchange mechanism between various energy sources and generative systems. The integration of a supplemented OTEC system allows for various energy sources to increase the efficiency of operation of the OTEC system, and for the OTEC system, in turn, to increase the efficiency of production of various generative systems.

#### Conclusion

**[00154]** A system providing for the conversion of renewable energy resources into renewable fuels and electricity to serve local and distant markets is described.

**[00155]** While specific embodiments of, and examples for, the system are described above for illustrative purposes, various equivalent modifications are possible within the scope of the system, as those skilled in the relevant art will recognize. For example, while processes or steps are presented in a given order, alternative embodiments may perform routines having steps in a different order, and some processes or steps may be deleted, moved, added, subdivided, combined, and/or modified to provide alternative or subcombinations. Each of these processes or steps may be implemented in a variety of different ways. Also, while processes or steps are at times shown as being performed in series, these processes or steps may instead be performed in parallel, or may be performed at different times.

**[00156]** From the foregoing, it will be appreciated that specific embodiments of the system have been described herein for purposes of illustration, but that various modifications may be made without deviating from the spirit and scope of the system. Accordingly, the system is not limited except as by the appended claims.

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CLAIMS

We claim:

[c1] 1. A system for sustainable economic development of a resource located in an ocean, the system comprising:

an ocean thermal energy conversion system, wherein the ocean thermal energy conversion system includes:

a heat engine configured to produce electricity, wherein the heat engine includes a vaporizer, a turbine, a working fluid, and a condenser; and

a supplement reception component configured to receive a supplement that increases an operational efficiency of the heat engine; and

a resource generation system, wherein the resource generation system includes:

a resource component configured to generate a resource from feedstock provided to the resource generation system and electricity produced by the heat engine of the ocean thermal energy conversion system; and

a provision component configured to provide a portion of the generated resource as the supplement received by the supplement reception component of the ocean thermal energy conversion system.

[c2] 2. The system of claim 1, wherein the generated resource is heat, and the heat increases a temperature of ocean water provided to the vaporizer to vaporize the working fluid within the vaporizer.

[c3] 3. A method for sustainable economic development of ocean-based resources, the method comprising:

receiving, at a heat engine associated with an ocean thermal energy conversion system, heat from a resource generation system;

operating the heat engine associated with the ocean thermal energy conversion system using the received heat, wherein operating the heat engine associated with the ocean thermal energy conversion system generates electricity;  
providing a portion of the generated electricity to the resource generation system; and  
operating the resource generation system using the provided electricity.

[c4] 4. The method of claim 3, wherein the received heat is excess heat generated during the operation of the resource generation system.

[c5] 5. An ocean thermal energy conversion system, the system comprising:

- a vaporizer configured to receive water from an ocean and vaporize a working fluid using the received water;
- a condenser configured to receive water from an area of the ocean lower than the surface area of the ocean and condense vaporized working fluid;
- a working fluid passageway, coupled to the vaporizer and the condenser, configured to provide the working fluid to the vaporizer and receive the working fluid from the condenser;
- a turbine, coupled to the vaporizer, configured to generate electricity using the vaporized working fluid; and
- a solar collector, coupled to the vaporizer, configured to provide water to the vaporizer at a temperature higher than a temperature of the water of the surface area of the ocean.

[c6] 6. The system of claim 5, wherein the solar collector comprises:

- a web assembly configured to trap solar energy; and
- a channel within the solar web assembly configured to:
  - receive the water from the surface area of the ocean;
  - warm the water received from the surface area of the ocean; and
  - transport the received water to the vaporizer.

- [c7] 7. The system of claim 5, wherein the solar collector comprises:  
a channel configured to hold water received from the surface area of the ocean; and  
an insulated air space at least partially surrounding the channel and configured to capture solar energy in order to raise the temperature of the water held by the channel.
- [c8] 8. The system of claim 5, wherein the solar collector is a spiral shaped solar collector.
- [c9] 9. An ocean thermal energy conversion system, the system comprising:  
a heat engine, wherein the heat engine is configured to generate electricity using ocean water; and  
a solar collector, wherein the solar collector is configured to raise the temperature of ocean water received by a vaporizer of the heat engine.
- [c10] 10. The system of claim 9, wherein the solar collector is configured to provide ocean water to the vaporizer of the heat engine at a temperature higher than the temperature of ocean water surrounding the solar collector.
- [c11] 11. The system of claim 9, wherein the heat engine is configured to heat a working fluid within the heat engine using the ocean water received by the vaporizer of the heat engine.
- [c12] 12. A method for increasing the operating efficiency of an ocean thermal energy conversion system, the method comprising:  
receiving water from the ocean into a solar collector;  
warming the received water in the solar collector; and  
providing the warmed water to the ocean thermal energy conversion system.

[c13] 13. The method of claim 12, wherein warming the received water in the solar collector includes capturing solar energy using air pockets surrounding a channel that contains the water received from the ocean.

[c14] 14. The method of claim 12 wherein warming the received water in the solar collector includes capturing solar energy using lenses surrounding a channel that contains the water received from the ocean.

[c15] 15. The method of claim 12, wherein providing the water to the ocean thermal energy conversion system includes providing the warmed water to a vaporizer of the solar thermal energy conversion system, wherein the vaporizer heats a working fluid using the provided water to operate a turbine.

[c16] 16. The method of claim 12, wherein receiving water from the ocean into a solar collector includes receiving water from the ocean into a spiral solar collector assembly.

[c17] 17. The method of claim 12, further comprising:  
manufacturing a solar collector using polymers derived from ocean debris  
surrounding the ocean thermal energy conversion system.

[c18] 18. A method for increasing the operating efficiency of an OTEC system, the method comprising:  
collecting heat; and  
increasing the temperature of water input into a vaporizer of the OTEC system using the collected heat.

[c19] 19. The method of claim 18, wherein collecting heat includes collecting solar energy using a solar collector.

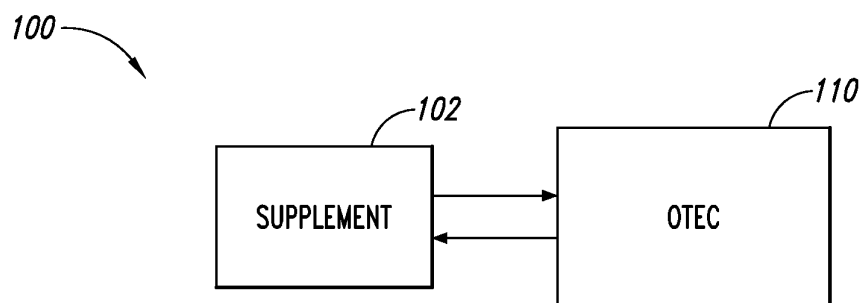
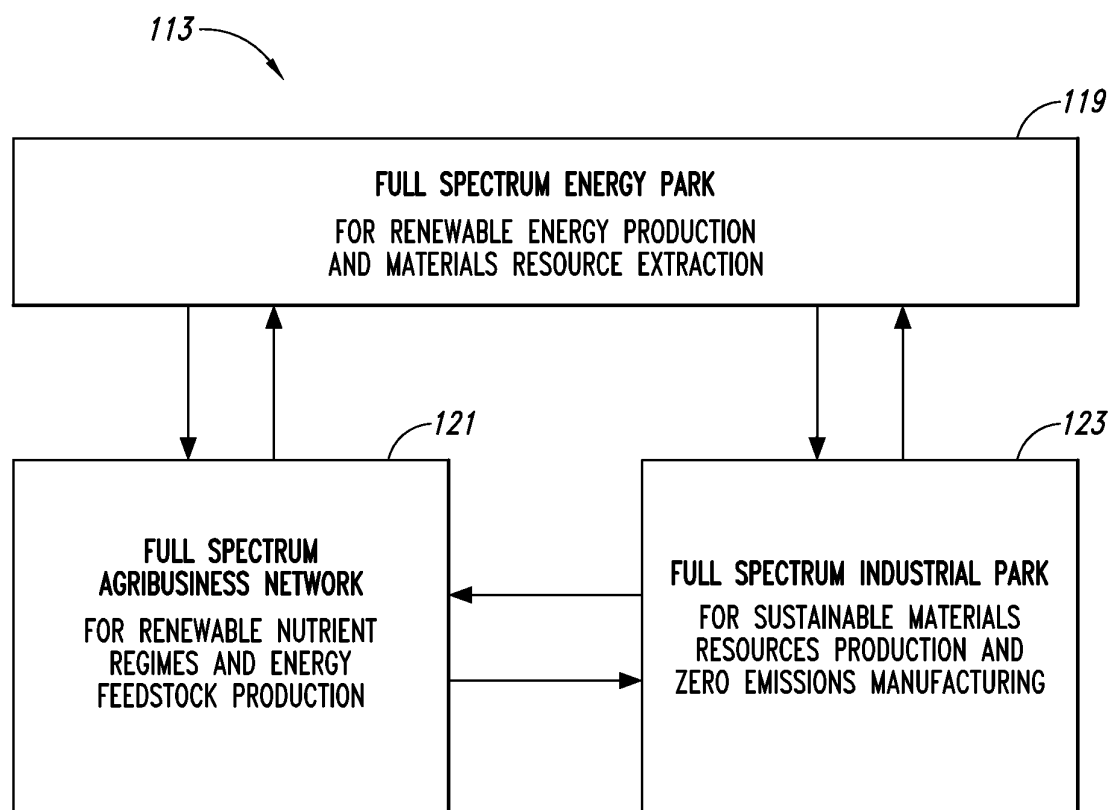
[c20] 20. The method of claim 18, wherein collecting heat includes collecting heat from an electrolyzer that converts water into hydrogen and oxygen.



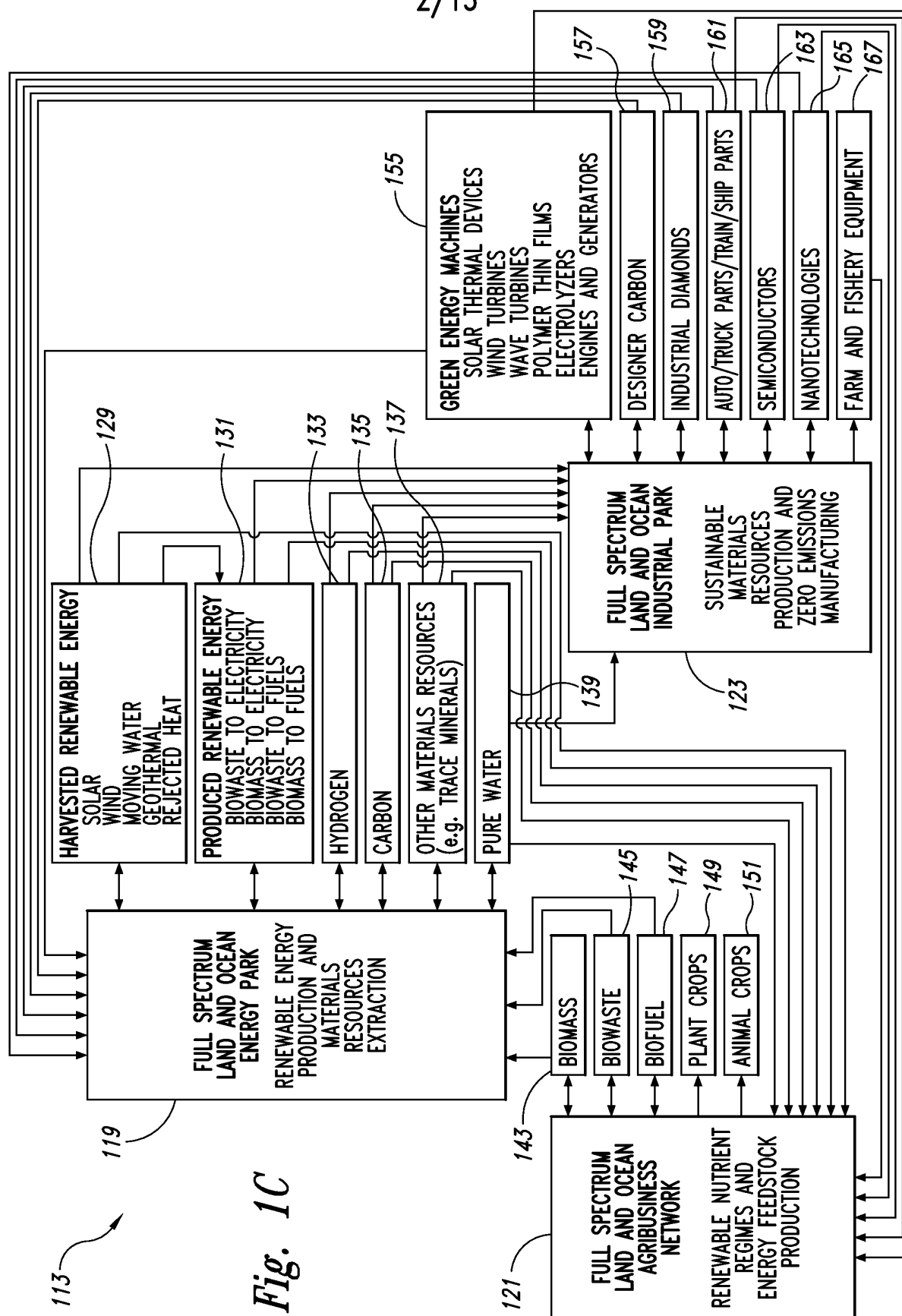
- [c21] 21. The method of claim 18, wherein collecting the heat includes capturing solar energy using a solar collector, the method further comprising:  
warming the water within the solar collector before inputting the water into the vaporizer of the OTEC system.
- [c22] 22. A solar collector assembly, comprising:  
a channel configured to receive ocean water into the solar collector assembly and hold the received ocean water within the solar collector assembly;  
a solar energy trapping portion surrounding the channel and configured to heat the received ocean water; and  
a coupling portion configured to transport the heated ocean water to an ocean thermal energy conversion system.
- [c23] 23. The solar collector assembly of claim 22, wherein the solar energy trapping portion includes air pockets configured to capture solar energy;
- [c24] 24. The solar collector assembly of claim 22, wherein the solar energy trapping portion includes lenses configured to capture solar energy.
- [c25] 25. The solar collector assembly of claim 22, wherein the solar energy trapping portion is formed of a thin film polymer.
- [c26] 26. The solar collector assembly of claim 22, wherein the solar energy trapping portion is a web of insulated air spaces.
- [c27] 27. The solar collector assembly of claim 22, wherein the solar energy trapping portion is a web of insulated spaces containing a gas having a thermal conductivity lower than the thermal conductivity of air.
- [c28] 28. The solar collector assembly of claim 22, wherein the solar energy trapping portion is formed of polymers derived from ocean debris.

[c29] 29. The solar collector assembly of claim 22, wherein the coupling portion configured to transport the heated ocean water to an ocean thermal energy conversion system is configured to transport the heated ocean water to a vaporizer of the ocean thermal energy conversion system.

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*Fig. 1A**Fig. 1B*

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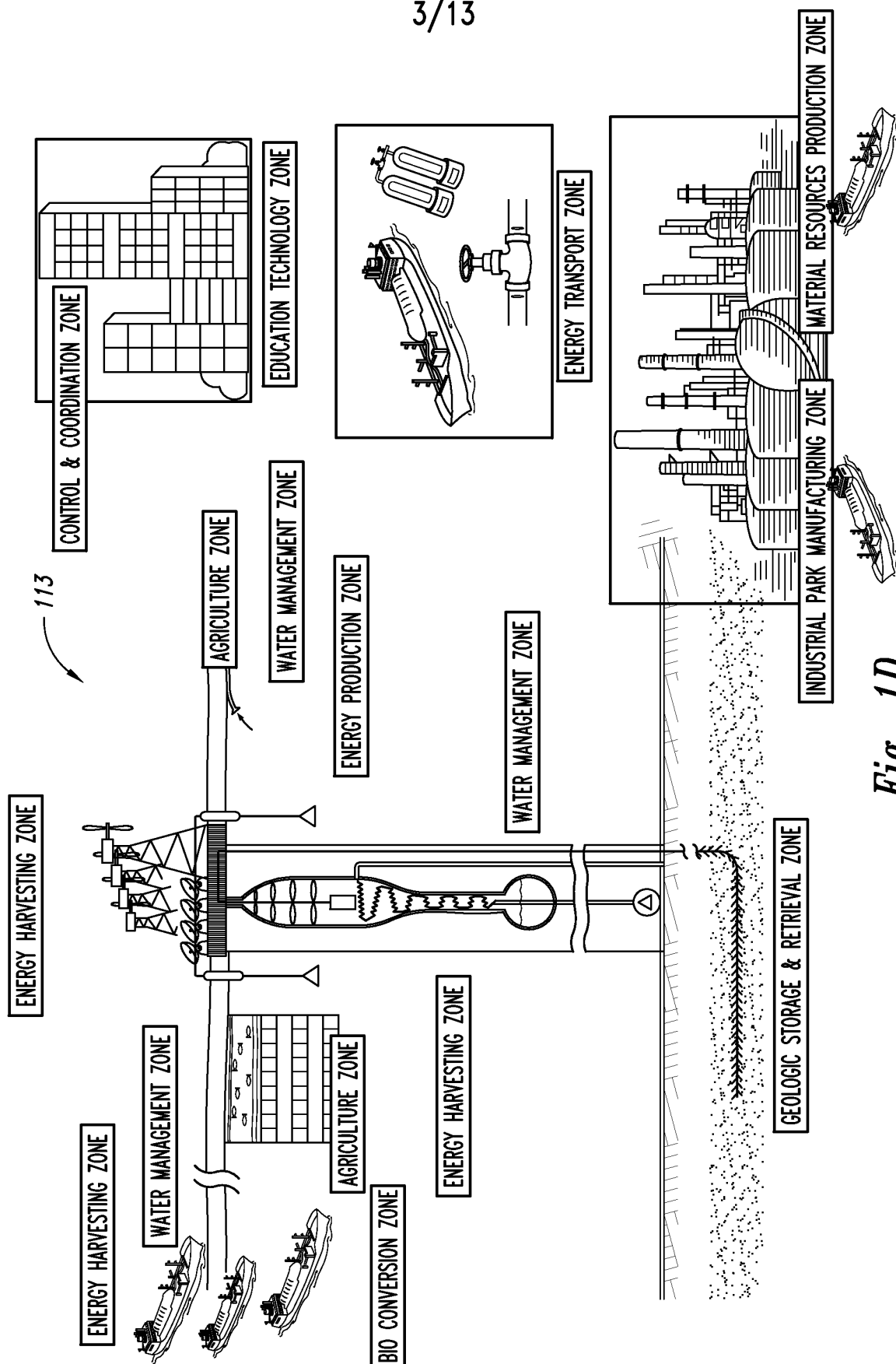
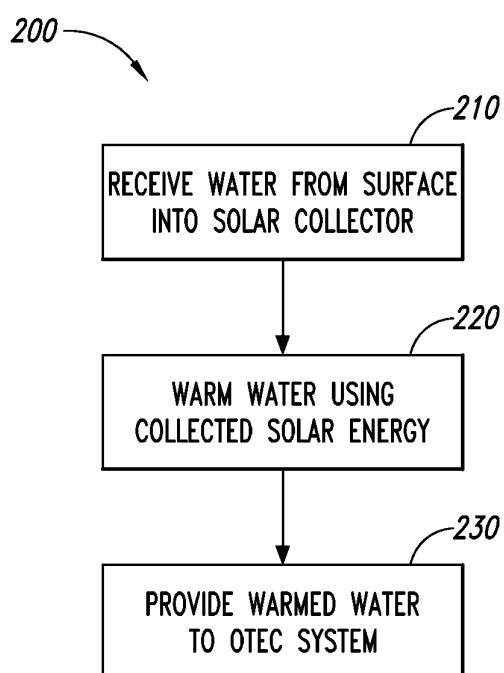
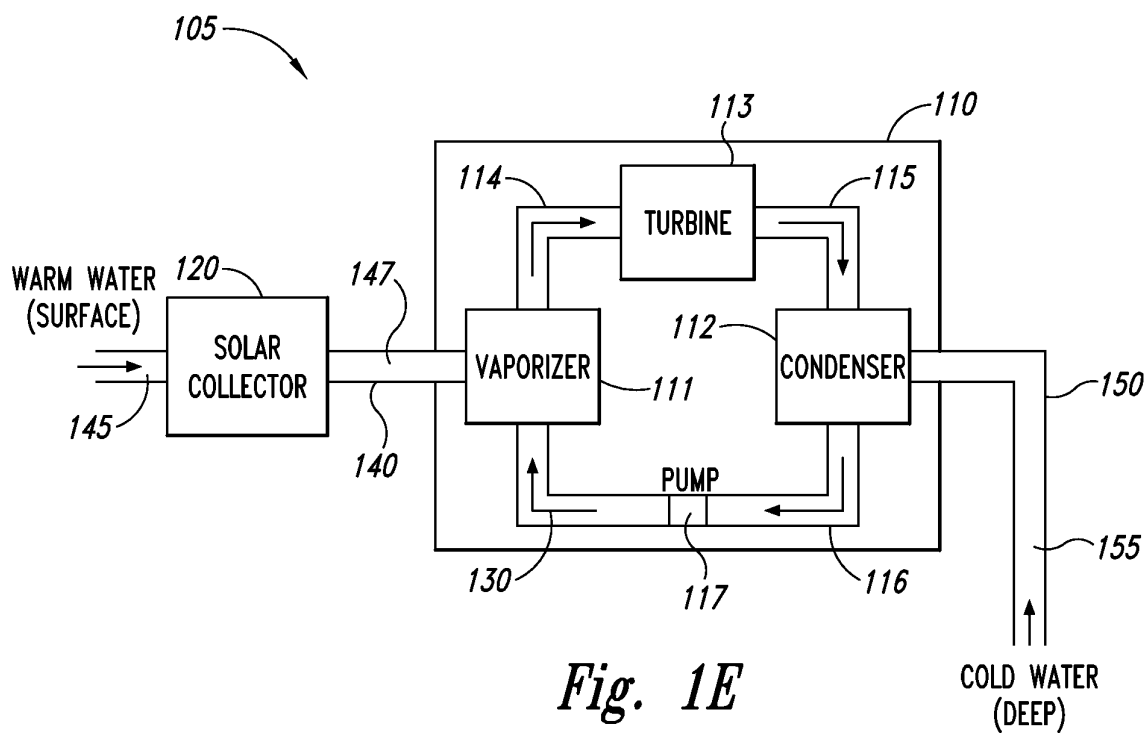
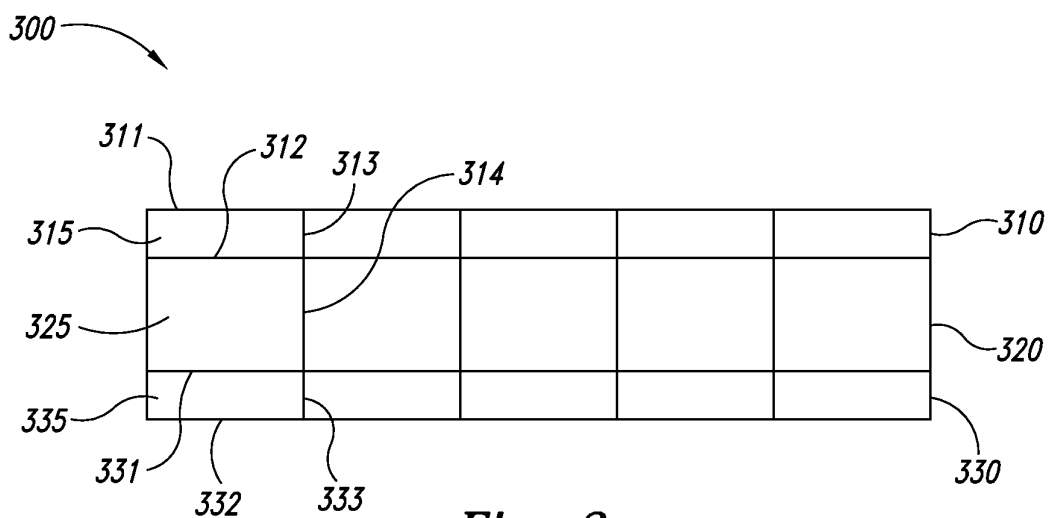
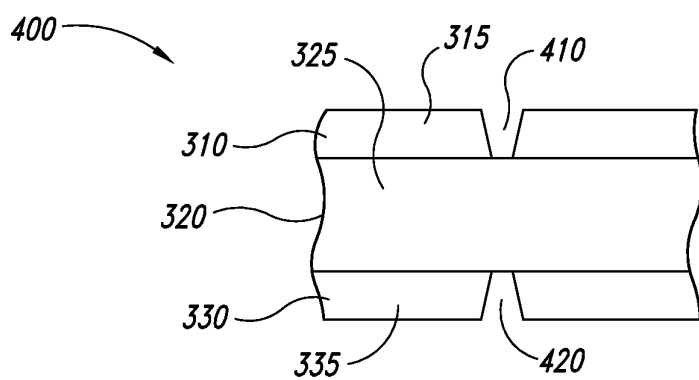
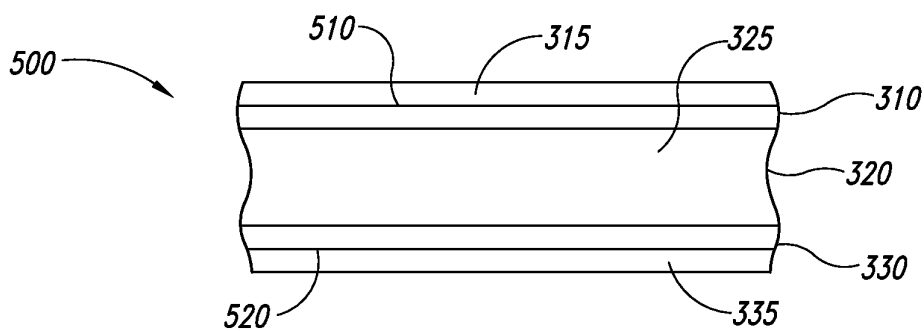


Fig. 1D

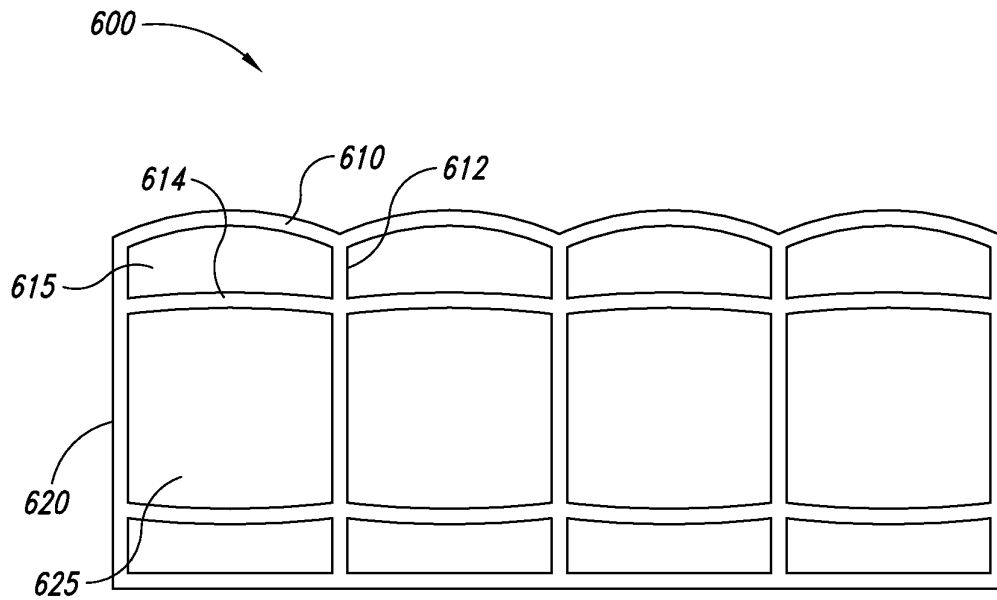
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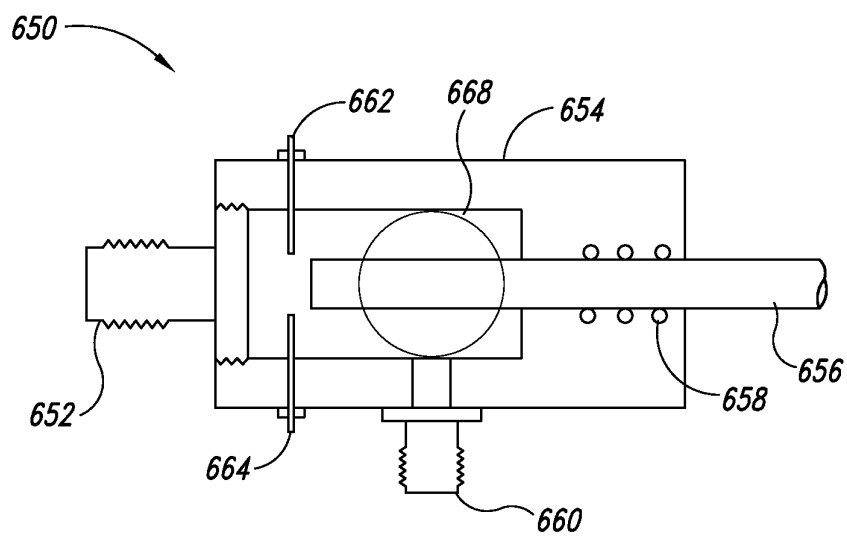
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*Fig. 3**Fig. 4**Fig. 5*

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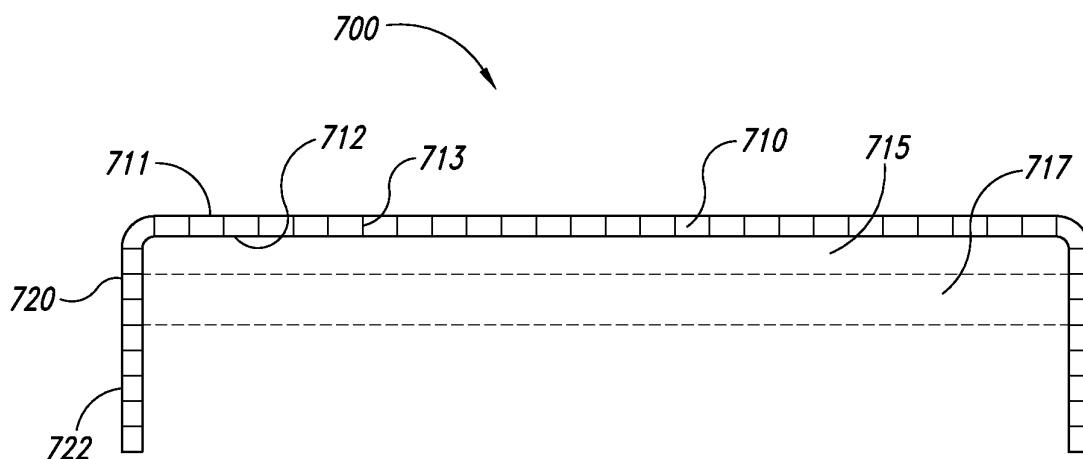
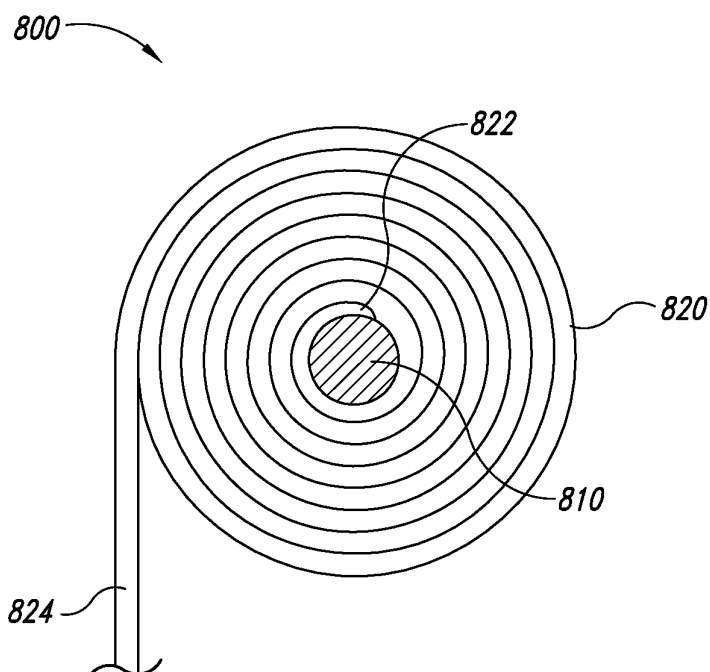
*Fig. 6A*



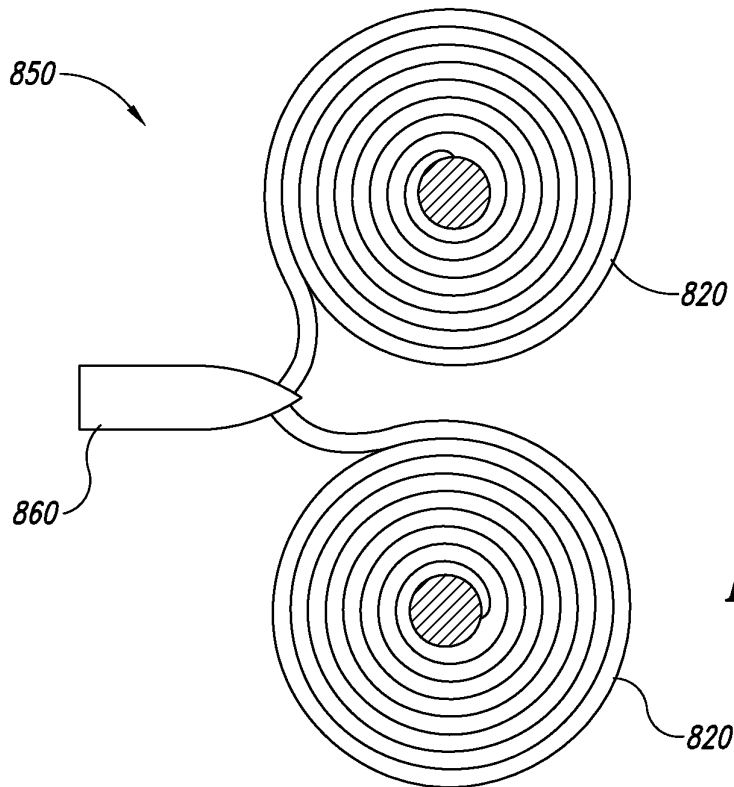
*Fig. 6B*



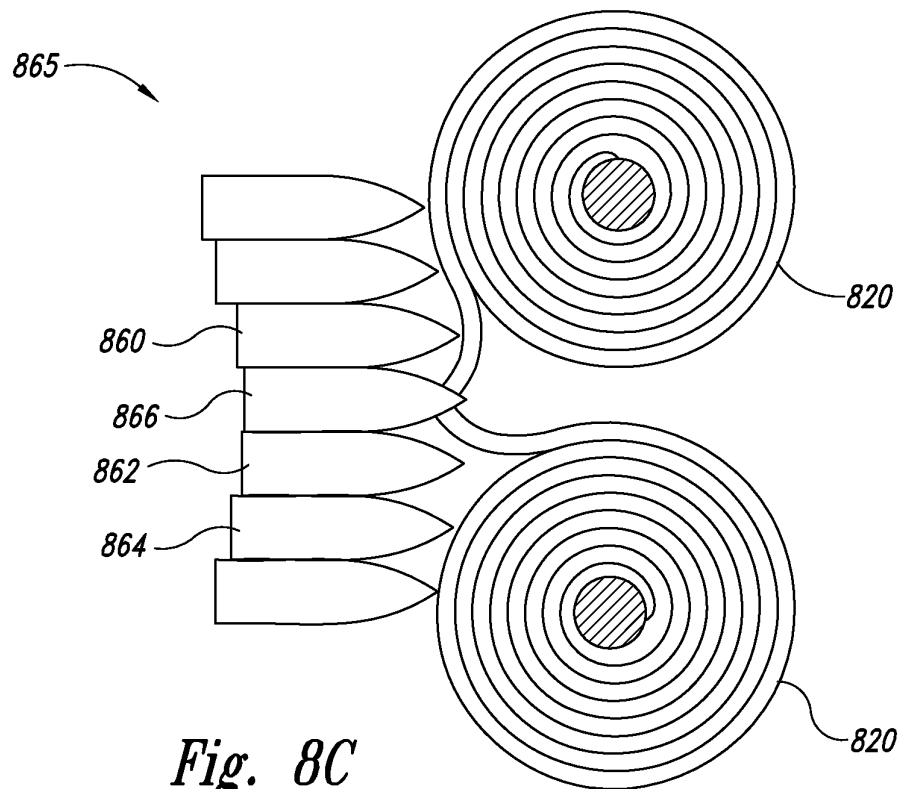
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*Fig. 7**Fig. 8A*

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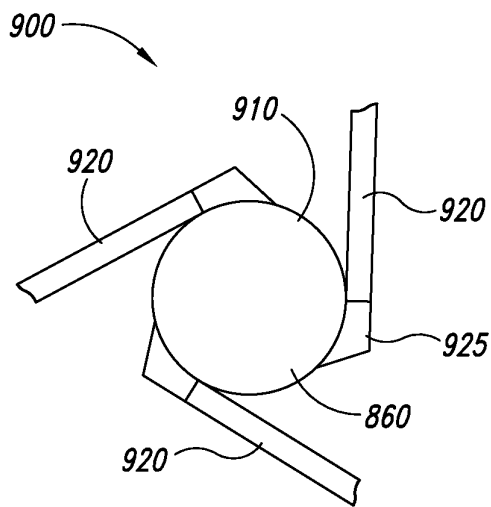


*Fig. 8B*

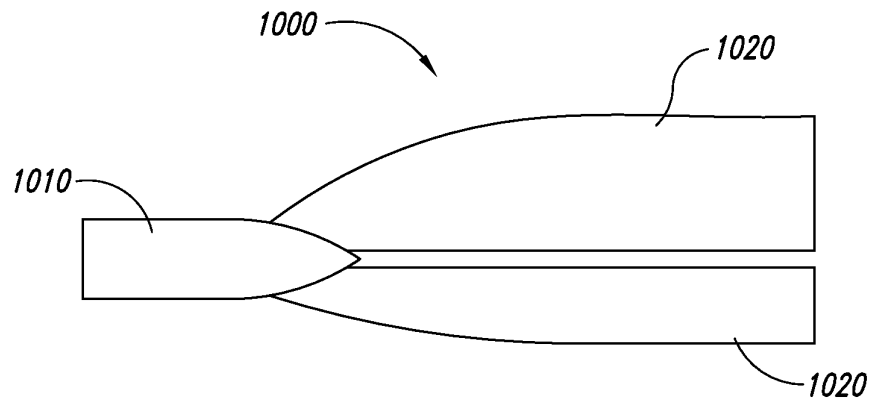


*Fig. 8C*

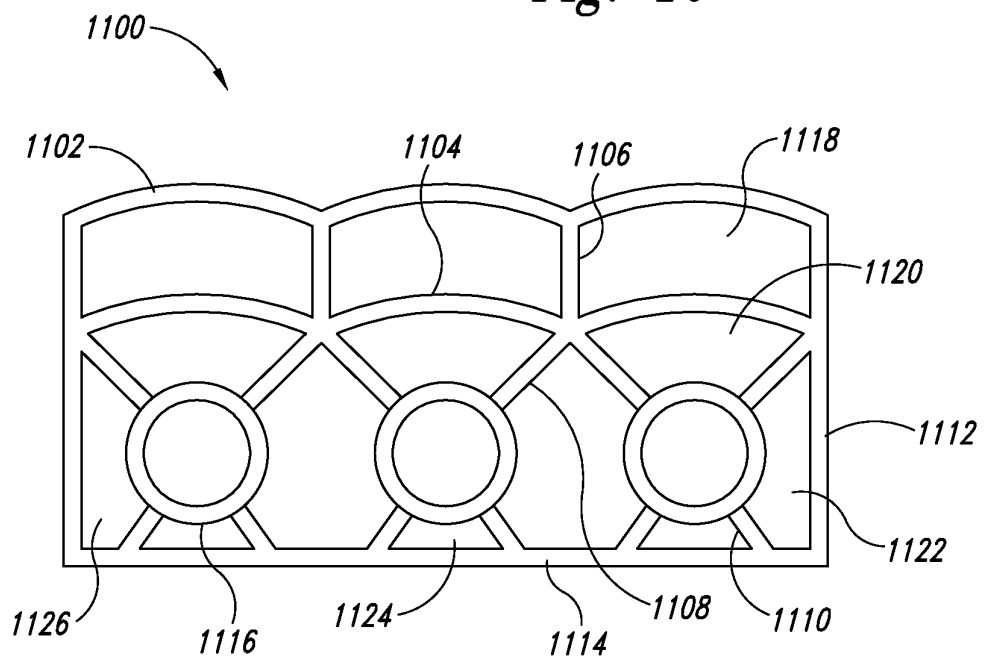
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*Fig. 9*

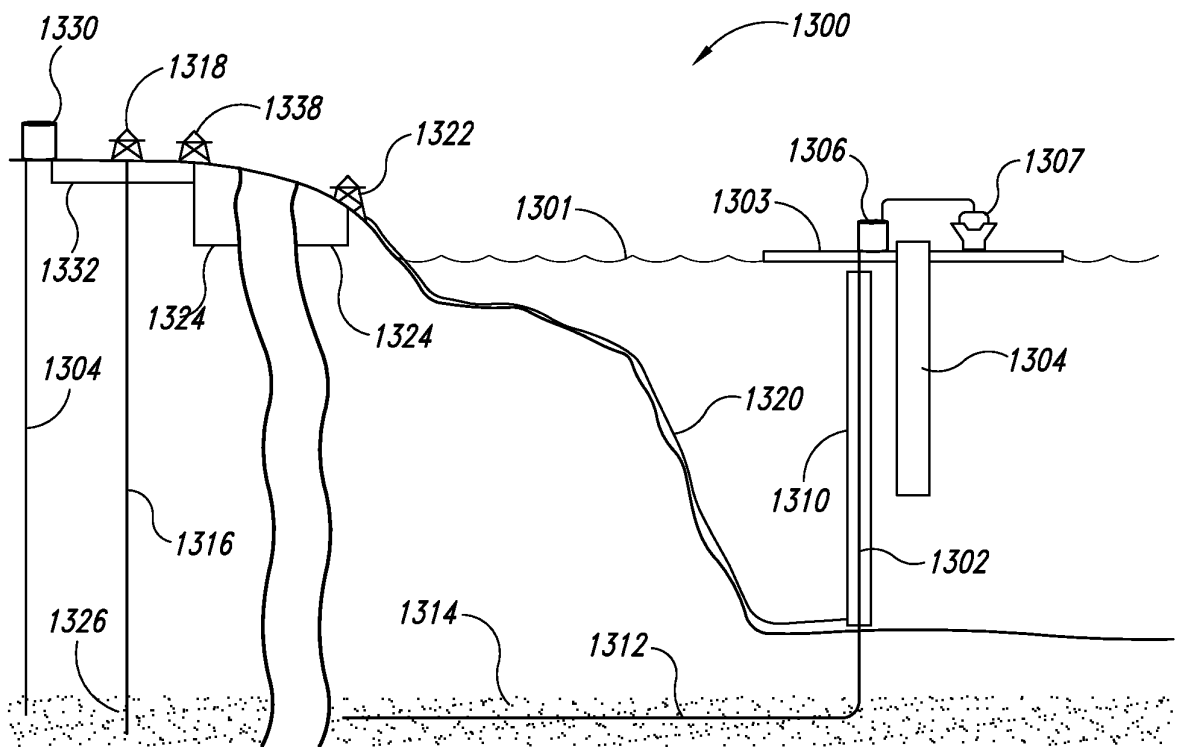
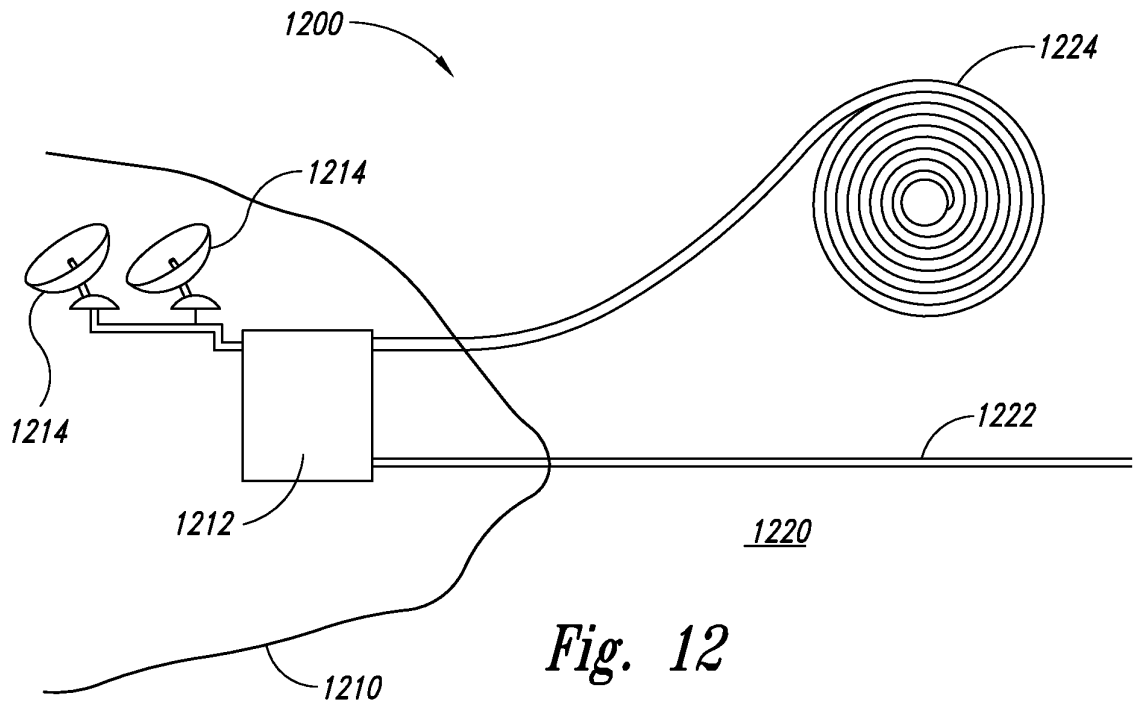


*Fig. 10*

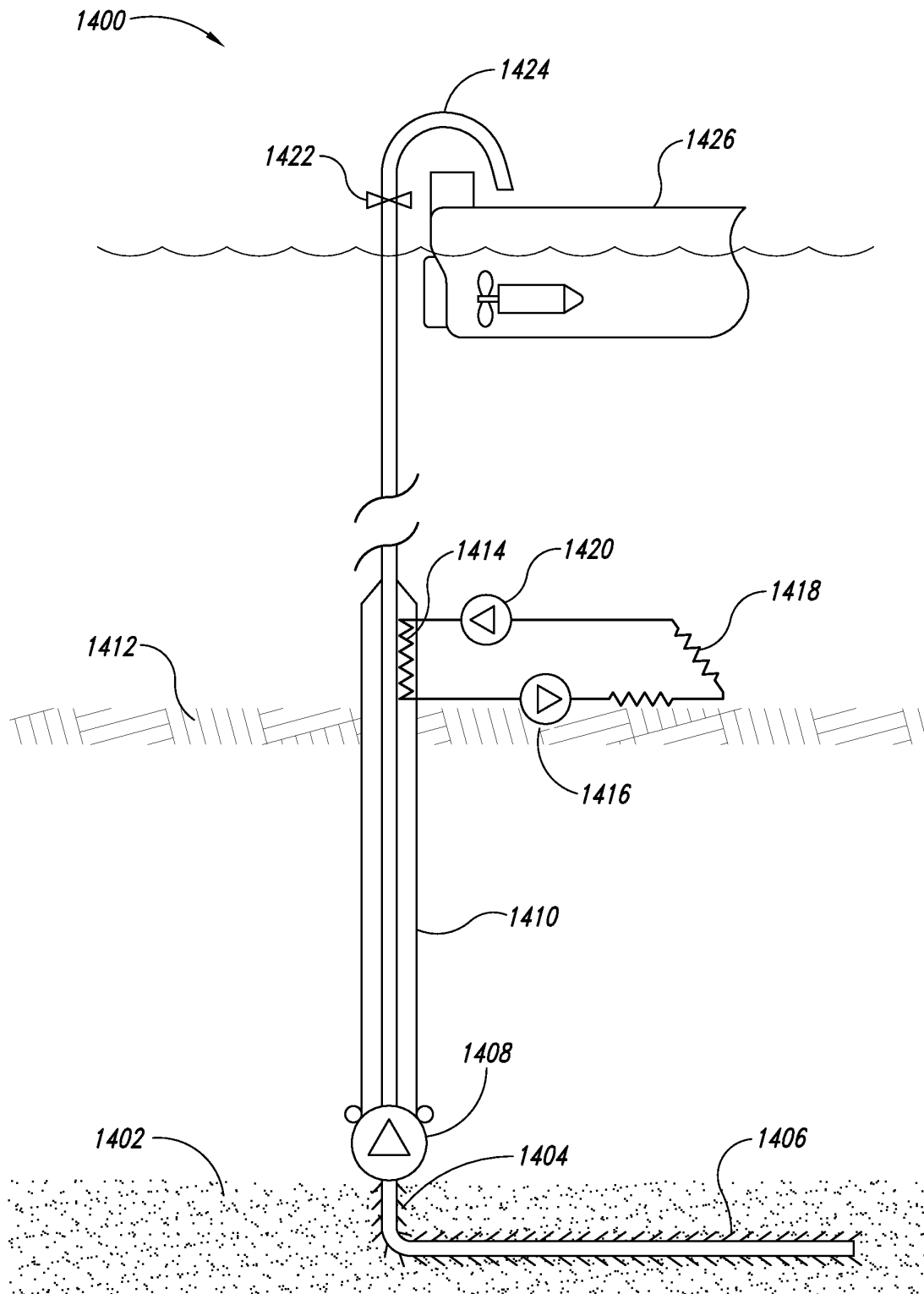


*Fig. 11*

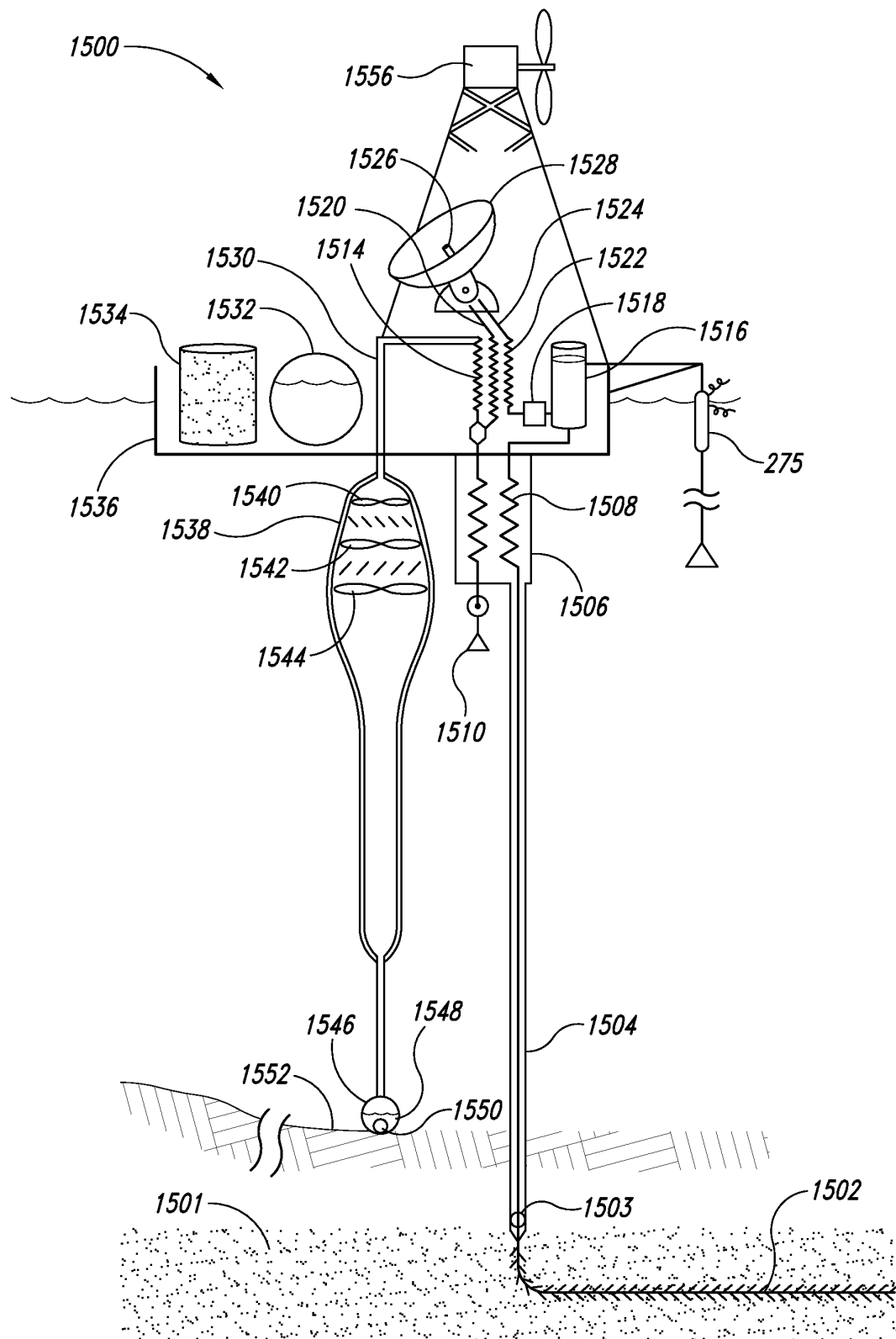
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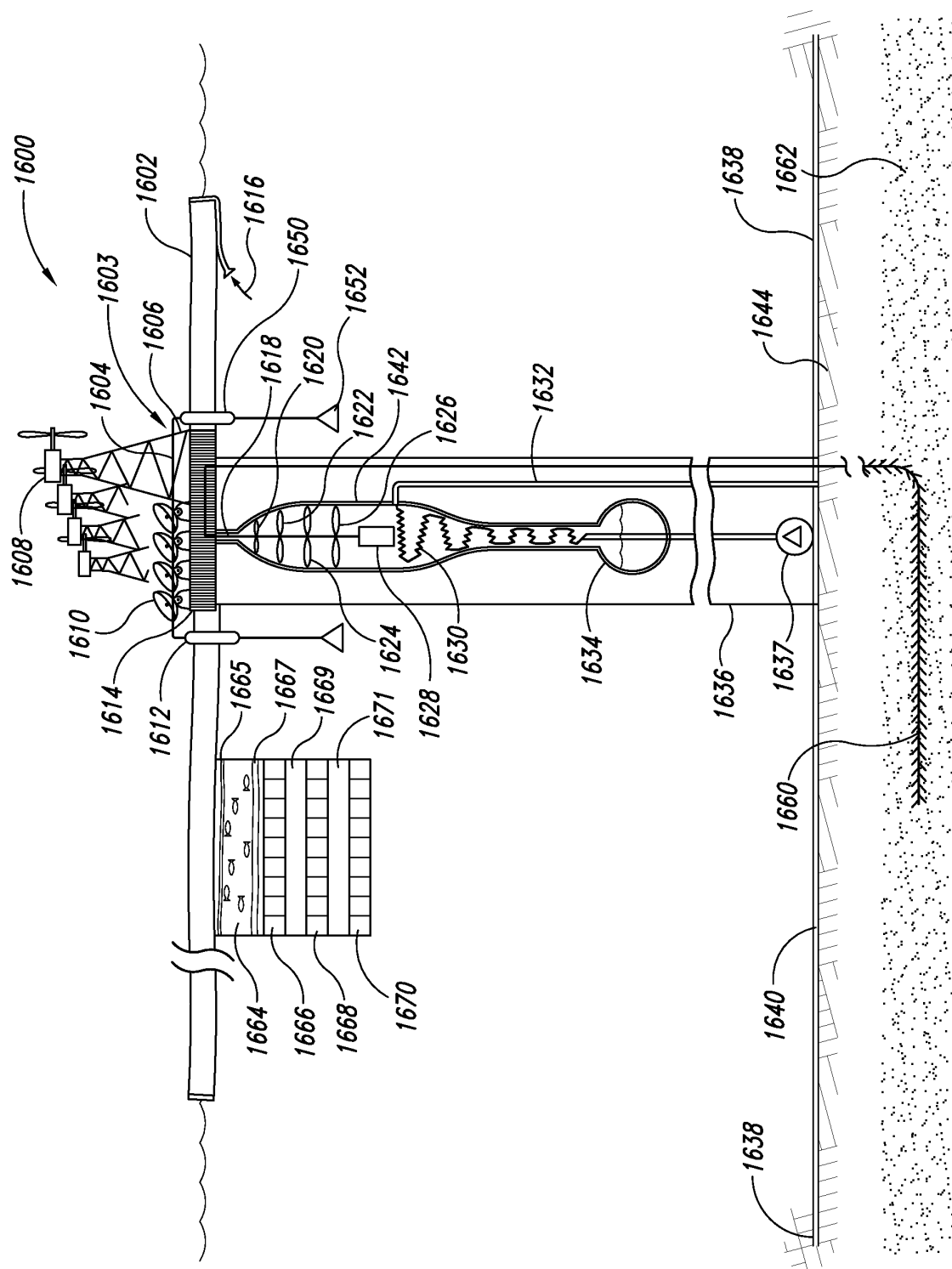


11/13

*Fig. 14*

12/13

*Fig. 15*



**Fig. 16**

# PATENT COOPERATION TREATY

PCT/US2010/045670

69545-9601.W000  
SDB/NK

From the INTERNATIONAL SEARCHING AUTHORITY

## PCT

To:	
BETCHER SUSAN D.	
PERKINS COIE LLP P.O. BOX 1247 SEATTLE WA 98111-1247 USA	
<p><b>RECEIVED</b> <b>PATENT DOCKETING</b> <b>APR 21 2011</b> <b>PERKINS COIE LLP</b></p> <p>6-15-U 7-15-U SDB</p>	<p><b>DOCKETED TO OFF</b></p> <p><input checked="" type="checkbox"/> Deadline <input type="checkbox"/> Follow up <input type="checkbox"/> Previously <input type="checkbox"/> Unfiled <input type="checkbox"/> In progress <input type="checkbox"/> Docketed</p>

### NOTIFICATION OF TRANSMITTAL OF THE INTERNATIONAL SEARCH REPORT AND THE WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY, OR THE DECLARATION

(PCT Rule 44.1)

Applicant's or agent's file reference 695458044WO	Date of mailing (day/month/year) 15 APRIL 2011 (15.04.2011)
International application No. <b>PCT/US2010/045670</b>	International filing date (day/month/year) <b>16 AUGUST 2010 (16.08.2010)</b>
Applicant <b>MCALISTER ROY E.</b>	

1. ☒ The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority have been established and are transmitted herewith.  
 Filing of amendments and statement under Article 19:  
 The applicant is entitled, if he so wishes, to amend the claims of the international application (see Rule 46):  
 When? The time limit for filing such amendments is normally two months from the date of transmittal of the international search report.  
 Where? Directly to the International Bureau of WIPO, 34 chemin des Colombettes  
 1211 Geneva 20, Switzerland, Facsimile No.: +41 22 338 82 70  
 For more detailed instructions, see *PCT Applicant's Guide*, International Phase, paragraphs 9.004 - 9.011.
2. ☐ The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.
3. ☐ With regard to any protest against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:
  - ☐ the protest together with the decision thereon has been transmitted to the International Bureau together with any request to forward the texts of both the protest and the decision thereon to the designated Offices.
  - ☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.


#### 4. Reminders

The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. Following the expiration of 30 months from the priority date, these comments will also be made available to the public.

Shortly after the expiration of 18 months from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau before the completion of the technical preparations for international publication (Rules 90bis.1 and 90bis.3).

Within 19 months from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase until 30 months from the priority date (in some Offices even later); otherwise, the applicant must, within 20 months from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices. In respect of other designated Offices, the time limit of 30 months (or later) will apply even if no demand is filed within 19 months.

For details about the applicable time limits, Office by Office, see [www.wipo.int/pct/en/texts/time\\_limits.html](http://www.wipo.int/pct/en/texts/time_limits.html) and the PCT Applicant's Guide, National Chapters.

Name and mailing address of the ISA/KR  Korean Intellectual Property Office Government Complex-Daejeon, 189 Cheongsa-ro, Seo-gu, Daejeon 302-701, Republic of Korea Facsimile No. 82-42-472-7140	Authorized officer  COMMISSIONER  Telephone No. 82-42-481-8755
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• Attention

Copies of the documents cited in the international search report can be searched in the following Korean Intellectual Property Office English website for three months from the date of mailing of the international search report.

<http://www.kipo.go.kr/en/> => PCT Services => PCT Services

ID : PCT international application number  
PW : C40307H9

Inquiries related to PCT International Search Report or Written Opinion prepared by KIPO as an International Searching Authority can be answered not only by KIPO but also through IPKC (Intellectual Property Korea Center), located in Vienna, VA, which functions as a PCT Help Desk for PCT applicants.

Homepage: <http://www.ipkcenter.com>  
Email: [ipkc@ipkcenter.com](mailto:ipkc@ipkcenter.com)  
Phone: +1 703 388 1066  
Fax: +1 703 388 1084

## PATENT COOPERATION TREATY

## PCT

## INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference 695458044WO	<b>FOR FURTHER ACTION</b> see Form PCT/ISA/220 as well as, where applicable, item 5 below.	
International application No. <b>PCT/US2010/045670</b>	International filing date (day/month/year) <b>16 AUGUST 2010 (16.08.2010)</b>	(Earliest) Priority Date (day/month/year) <b>27 AUGUST 2009 (27.08.2009)</b>
Applicant  <b>MCALISTER ROY E.</b>		

This International search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 3 sheets.

☐ It is also accompanied by a copy of each prior art document cited in this report.

## 1. Basis of the report

a. With regard to the language, the international search was carried out on the basis of:

☒ the international application in the language in which it was filed

☐ a translation of the international application into \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b))

b. ☐ This international search report has been established taking into account the rectification of an obvious mistake authorized by or notified to this Authority under Rule 91 (Rule 43.6bis(a)).

c. ☐ With regard to any nucleotide and/or amino acid sequence disclosed in the international application, see Box No. 1.

2. ☐ Certain claims were found unsearchable (See Box No. II)

3. ☐ Unity of invention is lacking (See Box No. III)

4. With regard to the title,

☒ the text is approved as submitted by the applicant.

☐ the text has been established by this Authority to read as follows:

5. With regard to the abstract,

☒ the text is approved as submitted by the applicant.

☐ the text has been established, according to Rule 38.2, by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. With regard to the drawings,

a. the figure of the drawings to be published with the abstract is Figure No. 1E

☐ as suggested by the applicant.

☒ as selected by this Authority, because the applicant failed to suggest a figure.

☐ as selected by this Authority, because this figure better characterizes the invention.

b. ☐ none of the figure is to be published with the abstract.

## INTERNATIONAL SEARCH REPORT

International application No.  
**PCT/US2010/045670****A. CLASSIFICATION OF SUBJECT MATTER****F03G 7/05(2006.01)i**

According to International Patent Classification (IPC) or to both national classification and IPC

**B. FIELDS SEARCHED**

Minimum documentation searched (classification system followed by classification symbols)

F03G 7/05; F03G 6/00; F01K 23/10; F01K 25/10; A01K 63/04

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Korean utility models and applications for utility models

Japanese utility models and applications for utility models

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)

eKOMPASS(KIPO internal) &amp; Keywords:: ocean thermal energy conversion(OTEC), solar, heat collector, and heat engine.

**C. DOCUMENTS CONSIDERED TO BE RELEVANT**

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	JP 2005-291112 A (SAITO TAKEO) 20 October 2005 See page 2, paragraphs [0002] - [0011]; figure 1.	1-2,5-29
A	JP 11-093826 A (NKK CORP et al.) 06 April 1999 See page 2, paragraphs [0008] - [0012]; figures 1-2.	1-4
A	JP 8016475 B2 (AGENCY OF IND SCIENCE & TECHNOL) 21 February 1996 See page 2, right column, line 22 - page 3, left column, line 13; figure 1.	1-4
A	JP 02-271080 A (CENTRAL RES INST OF ELECTRIC POWER IND) 06 November 1990 See page 2, right lower column, line 8 - page 4, right lower column, line 11; figure 1.	1-29

☐ Further documents are listed in the continuation of Box C.☒ See patent family annex.

\* Special categories of cited documents:

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier application or patent but published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art

"&amp;" document member of the same patent family

Date of the actual completion of the international search

15 APRIL 2011 (15.04.2011)

Date of mailing of the international search report

15 APRIL 2011 (15.04.2011)

Name and mailing address of the ISA/KR

Korean Intellectual Property Office  
Government Complex-Daejeon, 189 Cheongsu-ro,  
Seo-gu, Daejeon 302-701, Republic of Korea

Facsimile No. 82-42-472-7140

Authorized officer

CHOI Jin Hwan

Telephone No. 82-42-481-8433



**INTERNATIONAL SEARCH REPORT**

Information on patent family members

International application No.

**PCT/US2010/045670**

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
JP 2005-291112 A	20.10.2005	None	
JP 11-093826 A	06.04.1999	None	
JP 8016475 B2	21.02.1996	None	
JP 02-271080 A	06.11.1990	JP 2680674 B2	19.11.1997

## PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

To:

BETCHER SUSAN D.

PERKINS COIE LLP P.O. BOX 1247 SEATTLE WA 98111-  
1247 USA

**PCT**

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

(PCT Rule 43bis.1)

Date of mailing  
(day/month/year) **15 APRIL 2011 (15.04.2011)**

Applicant's or agent's file reference  
**695458044WO**

**FOR FURTHER ACTION**  
See paragraph 2 below

International application No.

**PCT/US2010/045670**

International filing date (day/month/year)

**16 AUGUST 2010 (16.08.2010)**

Priority date(day/month/year)

**27 AUGUST 2009 (27.08.2009)**

International Patent Classification (IPC) or both national classification and IPC

**F03G 7/05(2006.01)I**

Applicant

**MCALISTER ROY E.**

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

## 2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.  
For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/KR  
Korean Intellectual Property Office  
Government Complex-Daejeon, 189  
Cheongsu-ro, Seo-gu, Daejeon 302-  
701, Republic of Korea  
Facsimile No. 82-42-472-7140

Date of completion of this opinion

**15 APRIL 2011 (15.04.2011)**

Authorized officer

**CHOI Jin Hwan**

Telephone No.82-42-481-8433



**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
**PCT/US2010/045670**

**Box No. 1 Basis of this opinion**

1. With regard to the language, this opinion has been established on the basis of:

- ☒ the international application in the language in which it was filed
- ☐ a translation of the international application into \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b))

2. ☐ This opinion has been established taking into account the rectification of an obvious mistake authorized by or notified to this Authority under Rule 91 (Rule 43bis.1(a))

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, this opinion has been established on the basis of:

a. a sequence listing filed or furnished

- ☐ on paper
- ☐ in electronic form

b. time of filing or furnishing

- ☐ contained in the international application as filed.
- ☐ filed together with the international application in electronic form.
- ☐ furnished subsequently to this Authority for the purposes of search.

4. ☐ In addition, in the case that more than one version or copy of a sequence listing has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

5. Additional comments:

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

**PCT/US2010/045670**

**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;  
citations and explanations supporting such statement**

**I. Statement**

Novelty (N)	Claims	1-29	YES
	Claims	NONE	NO
Inventive step (IS)	Claims	1-29	YES
	Claims	NONE	NO
Industrial applicability (IA)	Claims	1-29	YES
	Claims	NONE	NO

**2. Citations and explanations :**

Reference is made to the following documents:

D1: JP 2005-291112 A (SAITO TAKEO) 20 October 2005  
D2: JP 11-093826 A (NKK CORP et al.) 06 April 1999  
D3: JP 8016475 B2 (AGENCY OF IND SCIENCE & TECHNOL) 21 February 1996  
D4: JP 02-271080 A (CENTRAL RES INST OF ELECTRIC POWER IND) 06 November 1990

**1. Novelty and Inventive Step**

**1.1 Claims 1-4**

The subject matter of claims 1 and 3 differs from these prior art documents in that an OTEC system receives heat energy from a resource generation component which uses electricity from the OTEC system.

And it is not obvious to a person skilled in the art by the documents, taken alone or in combination. Therefore, claim 1 and 3 meet the requirements of PCT Article 33(2) and (3) with respect to novelty and inventive step.

Claims 2 and 4 are dependent on claim 1 and 3 and therefore meet the requirements of PCT Article 33(2) and (3).

**1.2 Claims 5-29**

Claims 5, 9, 12, 18, and 22 of the present application relates to an OTEC system characterized by a heat collecting means (a solar collector) where increase the temperature of water into the OTEC system.

The prior art and the documents do not disclose or suggest the technical feature of these claims. Therefore, claims 5, 9, 12, 18, and 22 and their dependant claims 6-8, 10, 11, 13-17, 19-21, and 23-29 meet the requirements of PCT Article 33(2) and (3).

**2. Industrial Applicability**

Claims 1-29 are industrially applicable under PCT Article 33(4).



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

PERKINS COIE, LLP  
PATENT-SEA  
P.O. BOX 1247  
SEATTLE, WA 98111-1247

**MAILED**

**FEB 28 2012**

**OFFICE OF PETITIONS**

In re Application of  
Roy E. McAlister  
Application No.: 12/857,546  
Filed: August 16, 2010  
Attorney Docket No.: 69545-9601.US00  
For: INCREASING THE EFFICIENCY OF  
SUPPLEMENTED OCEAN THERMAL  
ENERGY CONVERSION (SOTEC)  
SYSTEMS

:  
: DECISION ON REQUEST TO  
: PARTICIPATE IN THE PATENT  
: PROSECUTION HIGHWAY  
: PROGRAM AND PETITION  
: TO MAKE SPECIAL UNDER  
: 37 CFR 1.102(a)  
:

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed on January 18, 2012, to make the above-identified application special.

The request and petition are **GRANTED**.

**Discussion**

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

- (1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the Australia, Austria, EPO, Finland, JPO, KIPO, NPI, NBPR, Spain, Sweden, USPTO, or CHINA;
- (2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;
- (3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;



(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate if the latest international work product is not in the English language;

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PCT-PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226. All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

This application will be forwarded to the examiner for action on the merits commensurate with this decision.

/Andrea Smith/  
Andrea Smith  
Petitions Examiner  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

PERKINS COIE LLP  
PATENT-SEA  
P.O. BOX 1247  
SEATTLE, WA 98111-1247

MAILED  
SEP 28 2010  
OFFICE OF PETITIONS

In re Application of :  
Roy E. McAlister :  
Application No. 12/857,553 :  
Filing: August 16, 2010 :  
Attorney Docket No. 695458040US :

ON PETITION

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 16, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes a statement (PTO/SB/130 form) by the applicant's attorney that the applicant is 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6059. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This matter is being referred to the Technology Center Art Unit 3748 for action on the merits commensurate with this decision.

Alicia Kelley  
Petitions Examiner  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

**MAILED**

**SEP 30 2010**

**OFFICE OF PETITIONS**

PERKINS COIE, LLP  
PATENT-SEA  
P.O. BOX 1247  
SEATTLE, WA 98111-1247

In re Application of  
Roy E. McAlister  
Application No. 12/857,554  
Filed: August 16, 2010  
Attorney Docket No. 695458042US

:  
:  
: **DECISION ON PETITION**  
: **TO MAKE SPECIAL UNDER**  
: **37 CFR 1.102(c)(1)**

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 16, 2010, to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The instant petition is not signed by an attorney of record. However, in accordance with 37 CFR 1.34(a), the signature of Susan D. Betcher appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that she is authorized to represent the particular party on whose behalf she acts.

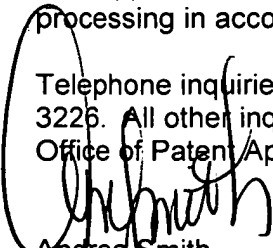
The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement from the attorney that the sole inventor is 65 years of age or older. Accordingly, the above-identified application has been accorded "special" status.

This application file is being referred to the Office of Patent Application Processing for further processing in accordance with this decision.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226. All other inquiries concerning the processing of the application should be addressed to the Office of Patent Application Processing at (571) 272-4200.

  
Andrea Smith  
Petitions Examiner  
Office of Petitions

<b>REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY – PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO</b>			
Application No.:	12857558	First Named Inventor:	Daniel V. Gutierrez
Filing Date:	17-Aug-2010	Attorney Docket No.:	GUTIER002A
Title of the Invention:	<b>MULTI-SPORT ATHLETIC TRAINING APPARATUS AND METHOD</b>		
THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT <a href="http://www.uspto.gov/efs/efs_help.html">HTTP://WWW.USPTO.GOV/EFSEFS_HELP.HTML</a> .			
<b>APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PILOT PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PILOT PROGRAM.</b>			
The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.			
The corresponding PCT application number(s) is/are: <u>PCT/US2011/047818</u>			
The international filing date of the corresponding PCT application(s) is/are: <u>16 August 2011</u>			
<b>I. List of Required Documents:</b>			
a. A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)			
<input type="checkbox"/> is attached.			
<input type="checkbox"/> is <u>not</u> attached because the document is already in the U.S. application.			
b. A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s)			
<input type="checkbox"/> is attached.			
<input type="checkbox"/> is <u>not</u> attached because the document is already in the U.S. application.			
c. English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.			
d. (1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.			
<input type="checkbox"/> is attached.			
<input type="checkbox"/> has already been filed in the above-identified U.S. application on _____			
(2) Copies of all documents (except for U.S. patents or U.S. patent application publications)			
<input type="checkbox"/> are attached.			
<input type="checkbox"/> have already been filed in the above-identified U.S. application on _____			

# REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO

Application No.:	12857558	First Named Inventor:	Daniel V. Gutierrez
------------------	----------	-----------------------	---------------------

[illegible]

Signature <b>/Robert E. Kasody/</b>	Date <b>3/29/2012</b>
Name (Print/Typed) <b>Robert E. Kasody</b>	Registration Number <b>50,268</b>

## PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

To:

ROBERT E. KASODY

LAW OFFICE OF ROBERT E. KASODY, P.C. 6601  
CENTER DRIVE WEST, SUITE 500 LOS ANGELES CA  
90045 USA**PCT****NOTIFICATION OF TRANSMITTAL OF  
THE INTERNATIONAL SEARCH REPORT AND  
THE WRITTEN OPINION OF THE INTERNATIONAL  
SEARCHING AUTHORITY, OR THE DECLARATION**

(PCT Rule 44.1)

Date of mailing  
(day/month/year) 20 MARCH 2012 (20.03.2012)

Applicant's or agent's file reference

GUTIER002A\_PCT

**FOR FURTHER ACTION** See paragraphs 1 and 4 below

International application No.

**PCT/US2011/047818**International filing date  
(day/month/year)**16 AUGUST 2011 (16.08.2011)**

Applicant

**DANIEL V. GUTIERREZ et al**

1. ☒ The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority have been established and are transmitted herewith.

**Filing of amendments and statement under Article 19:**

The applicant is entitled, if he so wishes, to amend the claims of the international application (see Rule 46):

When? The time limit for filing such amendments is normally two months from the date of transmittal of the international search report.

Where? Directly to the International Bureau of WIPO, 34 chemin des Colombettes  
1211 Geneva 20, Switzerland, Facsimile No.: +41 22 338 82 70For more detailed instructions, see *PCT Applicant's Guide, International Phase*, paragraphs 9.004 - 9.011.

2. ☐ The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.
3. ☐ With regard to any protest against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:  
☐ the protest together with the decision thereon has been transmitted to the International Bureau together with any request to forward the texts of both the protest and the decision thereon to the designated Offices.  
☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

**4. Reminders**

The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. Following the expiration of 30 months from the priority date, these comments will also be made available to the public.

Shortly after the expiration of 18 months from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau before the completion of the technical preparations for international publication (Rules 90bis.1 and 90bis.3).

Within 19 months from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase until 30 months from the priority date (in some Offices even later); otherwise, the applicant must, within 20 months from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices. In respect of other designated Offices, the time limit of 30 months (or later) will apply even if no demand is filed within 19 months.

For details about the applicable time limits, Office by Office, see [www.wipo.int/pct/en/texts/time\\_limits.html](http://www.wipo.int/pct/en/texts/time_limits.html) and the PCT Applicant's Guide, National Chapters.

Name and mailing address of the ISA/KR

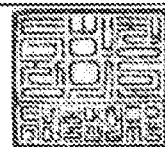
Korean Intellectual Property Office  
Government Complex-Daejeon, 189 Cheongsu-ro,  
Seo-gu, Daejeon 302-701, Republic of Korea

Facsimile No. 82-42-472-7140

Authorized officer

COMMISSIONER

Telephone No. 82-42-481-8752



\* Attention

Copies of the documents cited in the international search report can be searched in the following Korean Intellectual Property Office English website for three months from the date of mailing of the international search report.

<http://www.kipo.go.kr/en/> => PCT Services => PCT Services

ID : PCT international application number

PW : Z9GU2FV8

Inquiries related to PCT International Search Report or Written Opinion prepared by KIPO as an International Searching Authority can be answered not only by KIPO but also through IPKC (Intellectual Property Korea Center), located in Vienna, VA, which functions as a PCT Help Desk for PCT applicants.

Homepage: <http://www.ipkcenter.com>

Email: [ipkc@ipkcenter.com](mailto:ipkc@ipkcenter.com)

Phone: +1 703 388 1066

Fax: +1 703 388 1084

## PATENT COOPERATION TREATY

## PCT

## INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference <b>GUTIER002A_PCT</b>	<b>FOR FURTHER ACTION</b> <small>see Form PCT/ISA/220 as well as, where applicable, item 5 below.</small>	
International application No. <b>PCT/US2011/047818</b>	International filing date (day/month/year) <b>16 AUGUST 2011 (16.08.2011)</b>	(Earliest) Priority Date (day/month/year) <b>17 AUGUST 2010 (17.08.2010)</b>
Applicant: <b>DANIEL V. GUTIERREZ et al</b>		

This International search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 3 sheets.

☐ It is also accompanied by a copy of each prior art document cited in this report.

## 1. Basis of the report

a. With regard to the language, the international search was carried out on the basis of:

☒ the international application in the language in which it was filed

☐ a translation of the international application into \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b))

b. ☐ This international search report has been established taking into account the rectification of an obvious mistake authorized by or notified to this Authority under Rule 91 (Rule 43.6bis(a)).

c. ☐ With regard to any nucleotide and/or amino acid sequence disclosed in the international application, see Box No. 1.

2. ☐ Certain claims were found unsearchable (See Box No. II)

3. ☐ Unity of invention is lacking (See Box No. III)

4. With regard to the title,

☒ the text is approved as submitted by the applicant.

☐ the text has been established by this Authority to read as follows:

5. With regard to the abstract,

☒ the text is approved as submitted by the applicant.

☐ the text has been established, according to Rule 38.2, by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. With regard to the drawings,

a. the figure of the drawings to be published with the abstract is Figure No. 2

☒ as suggested by the applicant.

☐ as selected by this Authority, because the applicant failed to suggest a figure.

☐ as selected by this Authority, because this figure better characterizes the invention.

b. ☐ none of the figure is to be published with the abstract.



## INTERNATIONAL SEARCH REPORT

International application No.  
**PCT/US2011/047818****A. CLASSIFICATION OF SUBJECT MATTER***A63B 21/045(2006.01); A63B 21/02(2006.01);*

According to International Patent Classification (IPC) or to both national classification and IPC

**B. FIELDS SEARCHED**

Minimum documentation searched (classification system followed by classification symbols)

A63B 21/045; A63B 69/00; A63B 22/02; A63B 67/00; A63B 71/00

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Korean utility models and applications for utility models

Japanese utility models and applications for utility models

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)

eKOMPASS(KIPO internal) &amp; Keywords: athletic training apparatus, multi

**C. DOCUMENTS CONSIDERED TO BE RELEVANT**

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	US 2009-0291780 A1 (GUTIERREZ DANIEL) 26 November 2009 See abstract and figures.	1-18
A	US 2007-0123389 A1 (BRIAN MARTIN) 31 May 2007 See abstract and figures.	1-18
A	US 04883271A A (FRENCH; BARRY J.) 28 November 1989 See abstract and figures.	1-18

☐ Further documents are listed in the continuation of Box C.☒ See patent family annex.

\* Special categories of cited documents:

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier application or patent but published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art

"&amp;" document member of the same patent family

Date of the actual completion of the international search

20 MARCH 2012 (20.03.2012)

Date of mailing of the international search report

**20 MARCH 2012 (20.03.2012)**

Name and mailing address of the ISA/KR

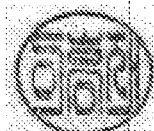
Korean Intellectual Property Office  
Government Complex-Daejeon, 189 Cheongsu-ro,  
Seo-gu, Daejeon 302-701, Republic of Korea

Facsimile No. 82-42-472-7140

Authorized officer

Lee, Heung Jae

Telephone No. 82-42-481-8305



# INTERNATIONAL SEARCH REPORT

Information on patent family members

International application No.

PCT/US2011/047818

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
US 2009-0291780 A1	26.11.2009	None	
US 2007-0123389 A1	31.05.2007	None	
US 04893271A A	23.11.1989	EP 0222640 A3	19.07.1989
		EP 0377007 A1	11.07.1990
		EP 0438558 A1	31.07.1991
		EP 0465698 A1	15.01.1992
		EP 0590101 A4	13.07.1994
		EP 0590101 B1	23.06.1999
		JP 08-023117 B2	06.03.1996
		JP 62-176471 A	03.08.1987
		KR 10-0191140 B1	15.08.1999
		US 04761005A A	02.08.1988
		US 04824107A A	25.04.1989
		US 05099702A A	31.03.1992
		US 05469740A A	28.11.1995
		WO 89-10166 A1	02.11.1989
		WO 91-01111 A1	07.02.1991
		WO 92-01111 A1	23.01.1992
		WO 93-10708 A1	10.06.1993

## PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

To:

ROBERT E. KASODY

LAW OFFICE OF ROBERT E. KASODY, P.C. 6601  
CENTER DRIVE WEST, SUITE 500 LOS ANGELES CA  
90045 USA

PCT

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing  
(day/month/year) **20 MARCH 2012 (20.03.2012)**

Applicant's or agent's file reference  
GUTIER002A\_PCT

**FOR FURTHER ACTION**  
See paragraph 2 below

International application No. <b>PCT/US2011/047818</b>	International filing date (day/month/year) <b>16 AUGUST 2011 (16.08.2011)</b>	Priority date(day/month/year) <b>17 AUGUST 2010 (17.08.2010)</b>
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International Patent Classification (IPC) or both national classification and IPC

*A63B 21/045(2006.01); A63B 21/02(2006.01);*

Applicant

**DANIEL V. GUTIERREZ et al**

1. This opinion contains indications relating to the following items:


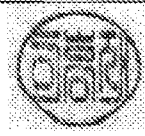
- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

 <p>Name and mailing address of the ISA/EK Korean Intellectual Property Office Government Complex-Daejeon, 189 Cheongsa-ro, Seo-gu, Daejeon 302- 701, Republic of Korea Facsimile No. 82-42-472-7140</p>	<p>Date of completion of this opinion</p> <p>20 MARCH 2012 (20.03.2012)</p>	<p>Authorized officer</p> <p>Lee, Heung Jae</p> <p>Telephone No 82-42-481-8305</p> 
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**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
**PCT/US2011/047818**

**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

**1. Statement**

Novelty (N)	Claims	1-18	YES
	Claims	NONE	NO
Inventive step (IS)	Claims	1-18	YES
	Claims	NONE	NO
Industrial applicability (IA)	Claims	1-18	YES
	Claims	NONE	NO

**2. Citations and explanations :**

Reference is made to the following documents:

D1: US 2009-0391780 A1 (GUTIERREZ DANIEL) 26 November 2009

D2: US 2007-0123389 A1 (BRIAN MARTIN) 31 May 2007

D3: US 04882271A A (FRENCH; BARRY J.) 28 November 1989

**(1) Novelty and Inventive Step**

1) Independent claim 1 is related to an athletic training apparatus to assist a coach training muscle coordination of a player during an exercise routine, the apparatus having an adjustable, delayed resistance, burst release, extension coil operatively coupled on a first coil end to a first end of a first cable harness and on a second coil end to a first end of a second cable harness.

2) Independent claim 10 is related to a system comprising a burst release, multi-resistance cable and the first cable harness feedbacks.

3) None of the documents cited in ISR disclose the technical feature of claims 1 and 10. Accordingly, claims 1 and 10 are not anticipated by any of the documents, nor obvious by the documents, taken alone or in combination.

4) Claims 2-9 and 11-18 are dependent on claim 1 and 10, respectively. Therefore, claims 2-9 and 11-18 are novel and involve an inventive step under PCT Article 33(2) and (3).

**(2) Industrial Applicability**

Claims 1-18 are industrially applicable under PCT Article 33(4).

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.  
PCT/US2011/047818

Box No. 1 Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of:
  - ☒ the international application in the language in which it was filed
  - ☐ a translation of the international application into \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b))
2. ☐ This opinion has been established taking into account the rectification of an obvious mistake authorized by or notified to this Authority under Rule 91 (Rule 43bis.1(a))
3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, this opinion has been established on the basis of:
  - a. a sequence listing filed or furnished
    - ☐ on paper
    - ☐ in electronic form
  - b. time of filing or furnishing
    - ☐ contained in the international application as filed.
    - ☐ filed together with the international application in electronic form.
    - ☐ furnished subsequently to this Authority for the purposes of search.
4. ☐ In addition, in the case that more than one version or copy of a sequence listing has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
5. Additional comments:

PCT CLAIMS FOUND  
NOVEL, INVENTIVE STEP, INDUSTRIAL  
APP.

We claim:

1. An athletic training apparatus to assist a coach training muscle coordination of a player during an exercise routine, the apparatus comprising:

an adjustable, delayed resistance, burst release, extension coil operatively coupled  
5 on a first coil end to a first end of a first cable harness and on a second coil end to a first end of a second cable harness;

wherein a second end of the first cable harness detachably couples to a coach and  
feedbacks real-time physical movements of the coach to the player;

wherein a second end of the second cable harness detachably couples to a training  
10 muscle group of the player, the training muscle group receives feedback from the real-time physical movements of the coach comprising a first resistance level during one portion of the exercise routine and a second resistance level during a second portion of the exercise routine; and

wherein movements of the player are substantially unaffected or interfered with  
15 during the exercise routine.

2. The athletic training apparatus of claim 1, wherein the adjustable, delayed resistance, burst release extension coil comprises an inner diameter cable and an outer diameter tube that are coupled together; wherein the inner diameter cable and an outer diameter tube uncoil to adjust a level of resistance that the player receives during the  
20 exercise routine; and wherein a diameter of the inner diameter cable and the outer diameter tube control the level of resistance applied to the training muscle group of the player.

3. The athletic training apparatus of claim 1, wherein the first portion of the exercise routine comprises the player commences motions to achieve a burst athletic  
25 position and the second portion of the exercise routine comprises the player completes motions of the burst athletic position.

4. The athletic training apparatus of claim 3, wherein the first and the second cable harness comprises inner and outer tension cables that are crimped together to absorb shock to the training muscle group during a transitioning period between the first portion  
30 and the second portion of the exercise routine.

5. The athletic training apparatus of claim 1, wherein the first and the second cable harness each comprise two tension cables to absorb shock to the training muscle group of the player during a transition period between the first portion and the second portion of the exercise routine.

6. The athletic training apparatus of claim 5, wherein the second end of the second cable harness comprises a wishbone shape that attaches and conformal fits to a waist or lower abdomen region of the player to improve strength and endurance of the player while in real-time performing a change in direction of motion of the player from that of an initial direction.

7. The athletic training apparatus of claim 4, wherein the inner and the outer tension cables comprise at least one of two different tension resistance values and different outer diameter physical dimensions.

8. The athletic training apparatus of claim 1, wherein the adjustable, delayed resistance, burst release coil comprises an adjustable tension cable enclosed by a plastic coiled tube to absorb shock while the player is performing the first portion or the second portion of the exercise routine.

9. The athletic training apparatus of claim 1, wherein the first and the second cable harness comprise two bungee cords of varying, recoil tension coefficients that are coiled or crimped together and housed in a retractable nylon sleeve.

10. A system that provides real-time directed muscle coordination training by a coach for a player, the system comprising:

a burst release, multi-resistance cable operatively coupled on a first end to a first cable harness that couples to the coach and on a second end to a second cable harness that couples directly with one portion of a training muscle group of the player, the first cable harness feedbacks real-time physical movements of the coach to the player comprising a first resistance level during one portion of the exercise routine and a second resistance level during a second portion of the exercise routine; wherein freedom of movement of the training muscle group of the player throughout an entirety of the exercise routine remains substantially true to form.

11. The system of claim 10, wherein the burst release, multi-resistance cable comprises an inner diameter cable and an outer diameter tube that are coupled together; wherein the inner diameter cable and an outer diameter tube uncoil to adjust a level of resistance that the player receives during the exercise routine in accordance with inputs  
5 from the coach; and wherein a diameter of the inner diameter cable and the outer diameter tube control a range thereof and the level of resistance applied to the training muscle group of the player.

12. The system of claim 10, wherein the first portion of the exercise routine comprises the player positions toward a burst athletic position and the second portion of  
10 the exercise routine comprises the player completes the burst athletic position.

13. The system of claim 12, wherein the first and the second cable harness comprises an inner elastic tension cable and an outer elastic tension cable that are crimped together to absorb shock or jerking motion to the training muscle group during a transition period between start of the first portion and completion of the second portion of  
15 the exercise routine.

14. The system of claim 10, wherein the first and the second cable harness each comprise two tension cables cooperatively coupled to each other to absorb shock or jerking motion to the muscle group of the player during a transition period between the first portion and the second portion of the exercise routine.

20 15. The system of claim 10, wherein the second cable harness couples that directly to the training muscle group comprises a deattachably coupled wishbone shaped harness that conforms to a waist line or lower abdomen region of the player and improves off-the-line strength and endurance of the player while performing a real-time exercise movement during the exercise routine whether or not a player changes direction or  
25 orientation of motion from that of start of the first portion of the exercise routine to that of completion of the second portion of the exercise routine.

16. The athletic training apparatus of claim 14, wherein the two tension cables comprise two different tension resistance values and different outer diameter physical dimensions.

30 17. The athletic training apparatus of claim 10, wherein the burst release, multi-resistance coil comprises an adjustable tension cable enclosed by a plastic coiled tube to



absorb shock while the player is performing the first portion or the second portion of the exercise routine; and wherein the first and the second cable harness comprise two bungee cords of varying, recoil tension coefficients that are coiled or crimped together.

5 18. The athletic training apparatus of claim 10, wherein a burst release, multi-resistance cable comprises an adjustable, delayed resistance, burst release, extension coil.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet 1 of 1**Complete if Known**

Application Number	12857558
Filing Date	August 17, 2010
First Named Inventor	Daniel V. Gutierrez
Art Unit	3764
Examiner Name	Crow, Stephen R
Attorney Docket Number	GUTIER002A

**U. S. PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Document Number Number-Kind Code <sup>2</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		US- 2009-0291780	11-26-2009	Gutierrez Daniel	
		US- 20070123389	05-31-2007	Brian Martin	
		US- 04883271A	11-28-1989	French, Barry J	
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**FOREIGN PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document Country Code <sup>2</sup> Number <sup>3</sup> Kind Code <sup>4</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T <sup>5</sup>

Examiner  
SignatureDate  
Considered

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-766-9199) and select option 2.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450

**MAILED**

**APR 18 2012**

**OFFICE OF PETITIONS**

**Law Office of Robert E. Kasody, Professional Corp.**  
**Suite 500**  
**6601 Center Drive West**  
**Los Angeles CA 90045**

In re Application of	: DECISION ON REQUEST TO
Daniel V. GUTIERREZ et al.	: PARTICIPATE IN PCT-PPH PROGRAM
Application No. 12/857,558	: AND PETITION TO MAKE SPECIAL
Filed: August 7, 2010	: UNDER 37 CFR 1.102(a)
Atty. Docket No.: GUTIER002A	
For: MULTI-SPORT ATHLETIC TRAINING APPARATUS AND METHOD	

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) program and the petition under 37 CFR 1.102(a), filed March 29, 2012, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PCT –PPH program and petition to make special under 37 CFR 1.102(a) require:

(1) the U.S. application must have an eligible relationship to one or more PCT application where the ISA or IPEA are the JPO, EPO, KIPO, IPAU, Russia, Spain, Sweden, Nordic Patent Institute, China, Finland, Austria, or USPTO;

(2) at least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) examination of the U.S. application has not begun;

(6) applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof;

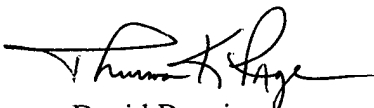
(7) applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications; and

(8) applicant is required to submit a claims correspondence table in English which indicates how all the claims in the U.S. application correspond to the claims indicated as having novelty, inventive step, and industrial applicability in the latest international work product.

The request to participate in the PCT-PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Robert DeWitty, Petitions Attorney, Office of Petitions (571-272-8427). All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

This application will be forwarded to Technology Center Art Unit 3764 for action commensurate with this decision.

A handwritten signature in black ink, appearing to read "David Bucci", with a stylized flourish at the end.

David Bucci  
Petitions Examiner  
Office of Petitions



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Alexandria, VA 22313-1450  
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NAVAL RESEARCH LABORATORY  
ASSOCIATE COUNSEL (PATENTS)  
CODE 1008.2  
4555 OVERLOOK AVENUE, S.W.  
WASHINGTON DC 20375-5320

**MAILED**

**AUG 29 2011**

**OFFICE OF PETITIONS**

In re Application of	:	
Walton et al.	:	
Application No. 12/857,560	:	ON PETITION
Filed: August 17, 2010	:	
Attorney Docket No. 100696-US1	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed July 12, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of Replacement Drawings, as required by the Notice to File Corrected Application Papers, (2) the petition fee of \$1620.00, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.

This matter is being referred to the Office of Patent Application Processing for further pre-examination processing. Thereafter, the application will be referred to Technology Center AU 2812 for examination on the merits.

/Liana Walsh/  
Liana Walsh  
Petitions Examiner  
Office of Petitions



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/857,596	08/17/2010	David Pasquier	612.46798CX1	4307
20457 7590 06/07/2011 ANTONELLI, TERRY, STOUT & KRAUS, LLP 1300 NORTH SEVENTEENTH STREET SUITE 1800 ARLINGTON, VA 22209-3873			EXAMINER LI, AIQUN	
			ART UNIT 1763	PAPER NUMBER
			MAIL DATE 06/07/2011	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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6/7/11

In re application of  
Pasquier  
Serial No. 12/857,596  
Filed: August 17, 2010  
For: WELL FLUID COMPRISING A FLUORINATED  
LIQUID PHASE

DECISION ON  
PETITION

This is a decision on the request filed on April 26, 2011. The request is to resend and reset the response period from the Office Action mailed April 18, 2011. Applicant asserts that a copy of the reference, Handbook of Chemistry and Physics, 91<sup>st</sup> edition, 2010-2011, section 3, has not been provided in connection with the rejection of claims 1 and 5. In addition, it is submitted that a copy of the reference, Product Information Sheet from 3M has not been provided in connection with the rejection of claims 1-2, 5-6 and 9.

**DECISION**

The Petition is **GRANTED**.

The Office Action of April 18, 2011 will be remailed along with copies of the references. The date for response will be set from the mail date of the new action.

/Yvonne Eyler/  
Director, Technology Center 1700

Yvonne L. Eyler, Director  
Technology Center 1700  
Chemical and Materials Engineering

Alan E. Schiavelli  
ANTONELLI, TERRY, STOUT & KRAUS, LLP  
1300 NORTH SEVENTEENTH STREET  
SUITE 1800  
ARLINGTON VA 22209-3873



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/857,608	08/17/2010	Hideo ANDO	362749US2S DIV	4325
22850	7590	10/14/2010		
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER TRAN, THAI Q	
			ART UNIT 2484	PAPER NUMBER
			NOTIFICATION DATE 10/14/2010	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com  
oblonpat@oblon.com  
jgardner@oblon.com





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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.  
1940 DUKE STREET  
ALEXANDRIA VA 22314

**MAILED**

OCT 13 2010

DIRECTOR OFFICE  
TECHNOLOGY CENTER 2400

In re Application of:

ANDO, HIDEO, et al.

Serial No.: 12/857,608

Filed: August 17, 2010

DECISION ON PETITION TO  
MAKE SPECIAL FOR NEW  
APPLICATION UNDER 37  
C.F.R. § 1.102 & M.P.E.P. §  
708.02

Title: **INFORMATION STORAGE MEDIUM  
AND INFORMATION  
RECORDING/PLAYBACK SYSTEM**

The petition to make the application special filed August 17, 2010 is **GRANTED**.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.
2. Restriction Practice:  
If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.
3. Office action:

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4. Time for Reply:

An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:

A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):

Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:

To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not

file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:

To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:

If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:

The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to Mehrdad Dastouri, Quality Assurance Specialist, at (571) 272-7418.

/Mehrdad Dastouri/

---

Mehrdad Dastouri  
Quality Assurance Specialist  
Technology Center 2400



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/857,614	08/17/2010	Hideo ANDO	362769US2SDIV	4339

22850	7590	10/14/2010
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.		
1940 DUKE STREET		
ALEXANDRIA, VA 22314		

EXAMINER	
TRAN, THAI Q	

ART UNIT	PAPER NUMBER
2484	

NOTIFICATION DATE	DELIVERY MODE
10/14/2010	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

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Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com  
oblonpat@oblon.com  
jgardner@oblon.com



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1940 DUKE STREET  
ALEXANDRIA VA 22314

**MAILED**

**OCT 13 2010**

**DIRECTOR OFFICE  
TECHNOLOGY CENTER 2400**

In re Application of:

ANDO, HIDEO, et al.

Serial No.: 12/857,614

Filed: August 17, 2010

DECISION ON PETITION TO  
MAKE SPECIAL FOR NEW  
APPLICATION UNDER 37  
C.F.R. § 1.102 & M.P.E.P. §  
708.02

Title: **INFORMATION STORAGE MEDIUM  
AND INFORMATION  
RECORDING/PLAYBACK SYSTEM**

The petition to make the application special filed August 17, 2010 is **GRANTED**.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

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10. Final Disposition:

The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

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Any inquiry regarding this decision should be directed to Mehrdad Dastouri, Quality Assurance Specialist, at (571) 272-7418.

/Mehrdad Dastouri/

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Mehrdad Dastouri  
Quality Assurance Specialist  
Technology Center 2400



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/857,621	08/17/2010	Hideo ANDO	362687US2S DIV	4350
22850 7590 10/14/2010 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P. 1940 DUKE STREET ALEXANDRIA, VA 22314				
			EXAMINER TRAN, THAI Q	
			ART UNIT 2484	PAPER NUMBER
			NOTIFICATION DATE 10/14/2010	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

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patentdocket@oblon.com  
oblonpat@oblon.com  
jgardner@oblon.com





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ALEXANDRIA VA 22314

**MAILED**

OCT 13 2010

DIRECTOR OFFICE  
TECHNOLOGY CENTER 2400

In re Application of:

ANDO, HIDEO, et al.

Serial No.: 12/857,621

Filed: August 17, 2010

DECISION ON PETITION TO  
MAKE SPECIAL FOR NEW  
APPLICATION UNDER 37  
C.F.R. § 1.102 & M.P.E.P. §  
708.02

Title: **INFORMATION STORAGE MEDIUM  
AND INFORMATION  
RECORDING/PLAYBACK SYSTEM**

The petition to make the application special filed August 17, 2010 is **GRANTED**.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

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Any inquiry regarding this decision should be directed to Mehrdad Dastouri, Quality Assurance Specialist, at (571) 272-7418.

/Mehrdad Dastouri/

---

Mehrdad Dastouri  
Quality Assurance Specialist  
Technology Center 2400



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/857,632	08/17/2010	Hideo ANDO	362771US2SDIV	4371
22850 7590 10/14/2010 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER TRAN, THAI Q	
			ART UNIT 2484	PAPER NUMBER
			NOTIFICATION DATE 10/14/2010	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

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patentdocket@oblon.com  
oblonpat@oblon.com  
jgardner@oblon.com



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[www.uspto.gov](http://www.uspto.gov)

**MAILED**

**OCT 13 2010**

**DIRECTOR OFFICE  
TECHNOLOGY CENTER 2400**

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.  
1940 DUKE STREET  
ALEXANDRIA VA 22314

In re Application of:

ANDO, HIDEO, et al.

Serial No.: 12/857,632

Filed: August 17, 2010

DECISION ON PETITION TO  
MAKE SPECIAL FOR NEW  
APPLICATION UNDER 37  
C.F.R. § 1.102 & M.P.E.P. §  
708.02

Title: **INFORMATION STORAGE MEDIUM  
AND INFORMATION  
RECORDING/PLAYBACK SYSTEM**

The petition to make the application special filed August 17, 2010 is **GRANTED**.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

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If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.
3. Office action:

If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:

An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:

A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):

Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:

To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not

file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:

To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:

If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:

The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to Mehrdad Dastouri, Quality Assurance Specialist, at (571) 272-7418.

/Mehrdad Dastouri/

---

Mehrdad Dastouri  
Quality Assurance Specialist  
Technology Center 2400

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: Mikael Lindberg )  
Confirmation No.: 4397 )  
Serial No.: 12/857647 )  
Filing Date: 8-17-10 )  
Atty Docket No.: 242691-5 )

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Statement Concerning the Basis for the Special Status**

SIR:

Applicant respectfully submits that Special Status is sought on the basis that the present invention materially contributes to the development of renewable energy resources or energy conservation.

Applicant respectfully submits that the present invention is directed to a device for locking a turbine blade of a wind power plant at a predetermined pitch angle. In the embodiments disclosed herein, the present invention provides a robust and reliable blade lock mechanism; a blade lock device which is inexpensive and easy to install, maneuver and maintain; and a locking device having a mechanical locking which is independent of any additional power supply in order to lock the blades of a wind power plant, leading to a high security blade lock system with no risk of uncontrolled alteration of the pitch angle. The present invention allows the locking of a wind turbine blade in a feathered position, for instance, during maintenance work, or due to extreme wind conditions. Thus the present invention materially contributes to the development of renewable energy



by creating safe conditions for performing wind turbine maintenance and by protecting a wind turbine from being damaged in extreme conditions, which in turn promotes increased energy production.

The undersigned attorney may be contacted at the number below to facilitate the resolution of any matters. Please charge any fees that are incurred in connection with this Statement to deposit account no. 09-0470.

Respectfully submitted,

General Electric Company

By : /Douglas D. Zhang/  
Douglas D. Zhang  
Reg. No. 37,985

Dated: January 7, 2011

GE Global Patent Operation  
2 Corporate Drive, Suite 648  
Shelton, CT 06484  
203-944-6755

**Doc Code: PET.GREEN**

**Document Description: Petition for Green Tech Pilot**

PTO/SB/420 (11-10)

Approved for use through 01/31/2011. OMB 0651-0062

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket  
Number: 242691-5

Application Number  
(if known): 12/857647

Filing date: 8-17-10

First Named  
Inventor: Mikael Lindberg

Title: BLADE PITCH LOCK DEVICE

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

**Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.**

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: Statement Concerning the Basis for the Special Status

Signature /Douglas D. Zhang/

Date 1-7-10

Name  
(Print/Typed) Douglas D. Zhang

Registration Number 37,985

**Note:** Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below\*.

☐ \*Total of ..... forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**Instruction Sheet for  
Petition to Make Special Under the Green Technology Pilot Program  
(Not to be Submitted to the USPTO)**

**The following is a summary of the requirements (for more information see the notices (i) "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," (ii) "Elimination of Classification Requirement in the Green Technology Pilot Program," and (iii) "Expansion and Extension of the Green Technology Pilot Program," available on the USPTO web site at [http://www.uspto.gov/patents/init\\_events/green\\_tech.jsp](http://www.uspto.gov/patents/init_events/green_tech.jsp)):**

- 1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111 (a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371, irrespective of the filing date of the application. Reexamination proceedings are excluded from this pilot program.
- 2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.
- 3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice (i) cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice (i) cited above.
- 4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.
- 5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.
- 6) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/857,647	08/17/2010	Mikael LINDBERG	242691	4397

52082 7590 01/13/2011  
General Electric Company  
GE Global Patent Operation  
2 Corporate Drive, Suite 648  
Shelton, CT 06484

EXAMINER
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ART UNIT	PAPER NUMBER
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3745

NOTIFICATION DATE	DELIVERY MODE
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01/13/2011

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gpo.mail@ge.com  
allyson.camaroli@ge.com



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General Electric Company  
GE Global Patent Operation  
2 Corporate Drive, Suite 648  
Shelton CT 06484

In re Application of	:	
LINDBERG, MIKAEL et al	:	DECISION ON PETITION
Application No. 12/857,647	:	TO MAKE SPECIAL UNDER
Filed: Aug. 17, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 242691	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed Jan. 7, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **granted**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii)

greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded “special” status.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

This application will be forwarded to the Technology Center Art Unit 3745 for action on the merits commensurate with this decision.

/Henry C. Yuen/

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Henry C. Yuen  
Quality Assurance Specialist  
Technology Center TC 3700



# UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/857,651	08/17/2010	Hideo ANDO	362846US2S DIV	4401
22850 7590 10/14/2010 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER TRAN, THAI Q	
			ART UNIT 2484	PAPER NUMBER
			NOTIFICATION DATE 10/14/2010	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com  
oblonpat@oblon.com  
jgardner@oblon.com





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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.  
1940 DUKE STREET  
ALEXANDRIA VA 22314

**MAILED**

**OCT 13 2010**

DIRECTOR OFFICE  
TECHNOLOGY CENTER 2400

In re Application of:

ANDO, HIDEO, et al.

Serial No.: 12/857,651

Filed: August 17, 2010

DECISION ON PETITION TO  
MAKE SPECIAL FOR NEW  
APPLICATION UNDER 37  
C.F.R. § 1.102 & M.P.E.P. §  
708.02

Title: **INFORMATION STORAGE MEDIUM  
AND INFORMATION  
RECORDING/PLAYBACK SYSTEM**

The petition to make the application special filed August 17, 2010 is **GRANTED**.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.
2. Restriction Practice:  
If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.
3. Office action:

If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:

An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:

A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):

Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:

To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not

file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:

To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:

If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:

The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to Mehrdad Dastouri, Quality Assurance Specialist, at (571) 272-7418.

/Mehrdad Dastouri/

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Mehrdad Dastouri  
Quality Assurance Specialist  
Technology Center 2400



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ROBERT BLINN  
P.O. BOX 75144  
WICHITA, KS 67275

**MAILED**

**FEB 01 2012**

**OFFICE OF PETITIONS**

In re Application of	:	
Thomas H. Mahoney	:	
Application No. 12/857,691	:	DECISION ON PETITION
Filed: August 17, 2010	:	
Attorney Docket No. W10024	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 13, 2011, to revive the above-identified application.

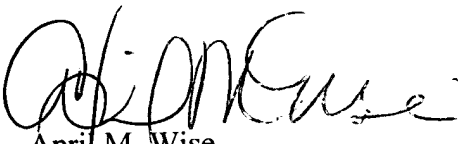
This application became abandoned for failure to timely pay the issue and publication fees on or before December 8, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed September 8, 2011. Accordingly, the date of abandonment of this application is December 9, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$870, (2) the petition fee of \$930; and (3) a proper statement of unintentional delay.

In view of the above, the petition is **GRANTED**.

Telephone inquiries concerning this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning this application should be directed to the Office of Data Management at their hotline (571) 272-4200.

This application is being referred to the Office of Data Management for processing into a patent.

  
April M. Wise  
Petitions Examiner  
Office of Petitions



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/857,706	08/17/2010	Kana YAMAUCHI	1032817-000076	4487

21839 7590 07/08/2011  
BUCHANAN, INGERSOLL & ROONEY PC  
POST OFFICE BOX 1404  
ALEXANDRIA, VA 22313-1404

EXAMINER
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ART UNIT	PAPER NUMBER
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2189

NOTIFICATION DATE	DELIVERY MODE
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07/08/2011

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ADIPFDD@bipc.com  
offserv@bipc.com



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POST OFFICE BOX 1404  
ALEXANDRIA VA 22313-1404

In re Application of: YAMAUCHI et al.  
Application No. 12/857,706  
Attorney Docket #: **1032817-000076**  
Filed: August 17, 2010  
For: **INFORMATION EQUIPMENT, METHOD  
FOR SUPPORTING OPERATION THEREOF,  
AND COMPUTER-READABLE STORAGE  
MEDIUM FOR COMPUTER PROGRAM**

DECISION ON REQUEST TO  
PARTICIPATE IN PATENT  
PROSECUTION HIGHWAY  
PROGRAM AND PETITION TO  
MAKE SPECIAL UNDER 37 CFR  
1.102(a)

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed May 27, 2011 to make the above-identified application special.

The petition is **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application is
  - (a) a Paris Convention application which either
    - (i) validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
    - (ii) validly claims priority to a PCT application that contains no priority claims,
  - Or
  - (b) a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
    - (i) validly claims priority to an application filed in the JPO, or
    - (ii) validly claims priority to a PCT application that contains no priority claims, or
    - (iii) contains no priority claim,
  - Or
  - (c) a so-called bypass application filed under 35 U.S.C. 111 (a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
    - (i) validly claims priority to an application filed in the JPO, or
    - (ii) validly claims priority to a PCT application that contains no priority claims, or
    - (iii) contains no priority claim.

Where the JPO application that contains the allowable/patentable claims is not the same application for which priority is claimed in the U.S. application, applicant must identify the relationship between the JPO application that contains the allowable/patentable claims and the JPO priority application claimed in the U.S. application.

(2) Applicant must submit a copy of:

- a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
- b. An English translation of the allowable/patentable claim(s) and
- c. A statement that the English translation is accurate;

Effective January 29, 2010, for a period of two years ending on January 28, 2012, the USPTO will accept claims written in dependent form in the U.S. application which are narrower in scope than the allowable/patentable claims in the Japanese application.

(3) Applicant must:

- a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
- b. Submit a claims correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:

- a. Documentation of prior office action:
  - i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
  - ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
  - iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;

Further, if a copy of the documents from a above is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;

- b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above

- c. A statement that the English translation is accurate;

Effective January 29, 2010, Applicants may submit a machine translation into the English language of the copy of the latest JPO office action just prior to the

“Decision to Grant a Patent” (e.g., the latest “Notification of Reasons for Refusal”) from each of the JPO application(s) containing the allowable/patentable claims that are the basis for the PPH request. The machine translation into the English language must be one that is provided by the JPO. That is, the machine translation into the English language cannot be one that is provided by a commercial service. Where a machine translation into the English language of the copy of the latest JPO office action (obtained from the JPO) is submitted, it will not be necessary to include a statement that the English translation is accurate.

(6) Applicant must submit:

- a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
- b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The petition is **GRANTED**.

The request to participate in the PPH pilot program and petition are found to comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Mano Padmanabhan at 571-272-4210.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Mano Padmanabhan/

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Mano Padmanabhan  
Quality Assurance Specialist, Technology Center 2100, Workgroup 2180  
571-272-4210





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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/857,713	08/17/2010	Yidong He	EHEACCELCON	4498
7590 09/14/2010				
Yidong He 865 Buttonwood Circle Naperville, IL 60540			EXAMINER	
			ART UNIT	PAPER NUMBER
			3671	
			MAIL DATE	DELIVERY MODE
			09/14/2010	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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Yidong He  
865 Buttonwood Circle  
Naperville, IL 60540

In re application of  
Yidong He  
Application No. 12/857,713  
Filed: August 17, 2010  
For: METHOD TO COMPRESS  
PREFABRICATED DECK UNITS WITH  
EXTERNAL TENSIONED STRUCTURAL  
ELEMENTS

**DECISION ON PETITION  
TO MAKE SPECIAL FOR  
NEW APPLICATION  
UNDER 37 CFR 1.102**

This is a decision on the petition filed on August 17, 2010 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.
3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;
4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;
2. include a statement that applicant agrees not to separately argue the patentability of any dependent claim during any appeal in the application;
3. include a statement that applicant agrees to make an election without traverse in a telephone interview.
4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.
5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the field of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

- 5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;
- 5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation;
- 5.3. encompass the disclosed features that may be claimed.
6. must provide in support of the petition an accelerated examination support document.

An accelerated examination support document must include:

- 6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;
- 6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;
- 6.3. a detailed explanation of how each of the claims is patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);
- 6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);
- 6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support

under 35 USC 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

## REVIEW OF FACTS

The petition fails to comply with conditions II.5.2, II.6.2, II.6.5.

As to condition II.5.2, the petition lacks an indication of a preexamination search that encompasses all of the features of the claims. With respect to the classification search, in addition to the area already searched, the search needs to include 52/223.14.

With respect to the text search of the US Patents database, the search logic in the petition appears to lack the incorporation of terms that would constitute "the broadest reasonable interpretation" of the claimed subject matter as is required. Furthermore, in addition to a search of the JPO and EPO databases, a search of the WIPO database is also required. The USPTO website has an example of the proper manner of performing and documenting a preexamination search for Accelerated Examination petitions at: <http://www.uspto.gov/web/patents/accelerated/>.

A sample of search logic to be used in this application is provided below:

- L1 (precast or concrete) adj girder
- L2 (pre or post) adj tension
- L3 shear adj (connector or pin)
- L4 (deck same integral same girder)
- L5 L1 and L2
- L6 L1 and L4
- L7 L2 and L4

This sample search logic is not meant to be the sole search logic that can or should be employed in this application, but is meant solely as an example of a starting off point for applicant's assistance. The same text logic outlined above should be performed in the search of the foreign patent file databases.

An AESD that contains a list of references in the IDS of the AESD, but does not include any identification and explanation for those references that are not required to be submitted in the IDS of the AESD (i.e., references that are not most closely related to the subject matter of each of the claims) will be deemed insufficient for lack of identification and explanation. If applicant wishes to cite references that are not

required in an AESD for the examiner to consider, applicant may submit such references in a separate IDS in compliance with 37 CFR 1.79 and 1.98. Applicant should clearly identify the IDS of the AESD that is in support of the petition to make special and, similarly, applicant should clearly identify the separate IDS that is not in support of the petition. Consistent with 37 CFR 10.18, any reference submitted in a separate IDS that is not part of an AESD will be treated as a representation by applicant to the USPTO that no reference submitted in the separate IDS is deemed closer to the subject matter of at least one claim than the references provided in the AESD.

As to condition II.6.2, there is currently not an adequate listing of all the limitations (or portions thereof) in each of the claims that are disclosed in each of the cited references, specifying where each of the limitations (or portions thereof) are disclosed in each of the references. The AESD only includes an identification and explanation of U.S. Patent No. 7,475,446. Seventeen other references are cited on the IDS submitted August 17, 2010. Since it is required that the most closely related references are to be submitted with the petition, all of the references submitted on the IDS are considered to be "most closely related" and need to be completely addressed in the Support Document.

As to condition II.6.5, the showing of where each limitation of each of the claims finds support under 35 USC 112 in the written description of the application is insufficient. For each claimed limitation (including dependent claims) the petition needs to identify **specific passages**, or at least a single paragraph, where each limitation of each claim is supported in the specification of the application.

Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

#### DECISION

For the above stated reasons, the petition is **DISMISSED**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within one (1) month or thirty (30) days, whichever is longer, from the date of this decision. No extensions of time will be granted under 37 CFR 1.136(a) if the request is to be considered timely. Any request for reconsideration must address the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to Teri Luu at (571) 272-7045.

/Teri P. Luu/  
Teri P. Luu  
Quality Assurance Specialist  
Technology Center 3600



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/857,784	08/17/2010	Mitsue MIYAZAKI	LSN-2382-113	4637

23117 7590 04/12/2011  
NIXON & VANDERHYE, PC  
901 NORTH GLEBE ROAD, 11TH FLOOR  
ARLINGTON, VA 22203

EXAMINER	
BRUTUS, JOEL F	

ART UNIT	PAPER NUMBER
3777	

MAIL DATE	DELIVERY MODE
04/12/2011	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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NIXON & VANDERHYE, PC  
901 NORTH GLEBE ROAD, 11TH FLOOR  
ARLINGTON VA 22203

In re Application of:  
MIYAZAKI, MITSUE  
Serial No.: 12/857,784  
Filed: Aug. 17, 2010  
Docket: LSN-2382-113

Title: MAGNETIC RESONANCE IMAGING  
APPARATUS AND IMAGE  
PROCESSING APPARATUS

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Decision on Petition to  
Re-Start Time Period for  
Response

This is a decision on the petition filed April 7, 2011 requesting remailing the Office action mailed on Sep. 29, 2010 and restart the period to respond due to non-receipt of the Office action. The application is technically abandoned for failure to respond to the outstanding Office action mailed on Sep. 29, 2010. This petition is being considered pursuant to 37 CFR § 1.181. No fee is required.

The petition is Granted.

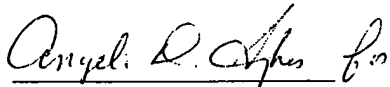
On April 7, 2011, the current petition was filed. In support of the request, petitioner stated that the Office action of Sep. 29, 2010 was never received at the correspondence address of record. The address on the Office action of Sep. 29, 2010 was correct as indicated in PALM. The petition also included a copy of the hand-written records and a computer printout. The petition also includes a declaration from Christopher Mania, Docket Supervisor, stating the surrounding facts showing the non-receipt of the Office action mailed on Sep. 29, 2010 in accordance with MPEP § 711.03 (C)(I).

As the petitioner has provided convincing evidence that the Office action was not received. The outstanding Office action should be mailed and the period to respond should be restarted. Since the applicant has responded the Office action of Sep. 29, 2010 with the current petition and now requests the USPTO to accept the current response, given the fact that the Office action was never received by the applicant, in the interest of compact prosecution, rather than remailing the Office action and awaiting the second reply, the response filed on April 7, 2010 is hereby accepted as timely. In light of the above, the petition to accept the response filed on April 7, 2011 is granted. The examiner is instructed to accept and consider the response filed on April 7, 2011 as timely. The application is being forwarded to the examiner via the Supervisory Patent Examiner of Art Unit 3777 for consideration of the response filed on April 7, 2011.



Any questions regarding this petition decision should be directed to Henry Yuen, Special Program Examiner, at (571) 272-4856.

Decision is granted.

A handwritten signature in cursive script, appearing to read "Donald T. Hajec".

Donald T. Hajec, Director  
Technology Center 3700

**Doc Code: PET.GREEN**

**Document Description: Petition for Green Tech Pilot**

PTO/SB/420 (11-10)

Approved for use through 01/31/2011. OMB 0651-0062

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket  
Number: 244724-1

Application Number  
(if known): 12/857810

Filing date: 2010-08-17

First Named  
Inventor: Russell Black

Title: SLIT VALVE FOR VACUUM CHAMBER MODULE

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

**Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.**

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: Statement Concerning the Basis for the Special Status

Signature /Allison W. Mages/

Date 2011-11-15

Name Allison W .Mages  
(Print/Typed)

Registration Number 57,275

**Note:** Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below\*.



\*Total of ..... forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**Instruction Sheet for  
Petition to Make Special Under the Green Technology Pilot Program**  
(Not to be Submitted to the USPTO)

**The following is a summary of the requirements (for more information see the notices (i) "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," (ii) "Elimination of Classification Requirement in the Green Technology Pilot Program," and (iii) "Expansion and Extension of the Green Technology Pilot Program," available on the USPTO web site at [http://www.uspto.gov/patents/init\\_events/green\\_tech.jsp](http://www.uspto.gov/patents/init_events/green_tech.jsp)):**

- 1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111 (a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371, irrespective of the filing date of the application. Reexamination proceedings are excluded from this pilot program.
- 2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.
- 3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice (i) cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice (i) cited above.
- 4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.
- 5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.
- 6) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/857,810	08/17/2010	Russell Weldon Black	244724/PRSS-45	4679
93081	7590	12/15/2011		
Dority & Manning, P.A. and Primestar Solar Inc. Post Office Box 1449 Greenville, SC 29602			EXAMINER FORD, NATHAN K	
			ART UNIT	PAPER NUMBER
			1716	
			MAIL DATE	DELIVERY MODE
			12/15/2011	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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Dority & Manning, P.A. and Primestar Solar Inc.  
Post Office Box 1449  
Greenville SC 29602

12/15/11

In re Application of	:	
Black	:	DECISION ON PETITION
Application No. 12/857,810	:	TO MAKE SPECIAL UNDER
Filed: 8/17/2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 244724/PRSS-45	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 11/15/2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the

Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The petition lacks item(s) 4.

In regard to item 4, petitioner should note that the instant petition includes a statement identifying the basis for the special status (i.e., whether the instant invention (1) materially enhances the quality of the environment or materially contributes to (2) development of renewable energy resources or energy conservation, or (3) greenhouse gas reduction) as required by sections II and III of the notice. However, as stated in the notice, applicant must also provide a statement pertaining to the materiality standard if the application disclosure is not clear on its face as to the materiality of the basis for the special status of the invention. It is not agreed that the application on its face meets that materiality standard.

Applicants argue that the instant invention relates to a slit valve assembly that is configured for attachment to any manner of vacuum chamber module, for example a module used in a vapor deposition processing line for the manufacture of solar panels. The instant claims however are merely directed to a valve assembly. There is no mention of the manufacture of solar panels in the instant claims. The materiality standard does not permit an applicant to speculate how an end user might specifically apply the invention in a manner that could materially contribute to (1) materially enhancing the quality of the environment or materially contributing to (2) development of renewable energy resources or energy conservation, or (3) greenhouse gas reduction.

Any reconsideration of this decision should be submitted through the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen.

Telephone inquiries concerning this decision should be directed to Tom Dunn at 571-272-1171.

The application is being forwarded to the Technology Center Art Unit 1716 for action in its regular turn.

/Tom Dunn/

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Tom Dunn  
Quality Assurance Specialist  
Technology Center 1700



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: Russell Weldon Black )  
Confirmation No.: 4679 )  
Serial No.: 12/857810 )  
Filing Date: 08-17-2010 )  
Atty Docket No.: 244724-1 )

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Request for Reconsideration**

SIR:

This is responsive to the Decision on Petition, dated as mailed 15 December 2011, in the above-referenced application. Applicant respectfully requests reconsideration of Applicant's Petition to Make Special on the basis that the present invention materially contributes to the discovery or development of renewable energy resources or energy conservation.

The Decision to Make Special Under the Green Technology Pilot Program (hereinafter "the Decision") states that Applicants argue that the instant invention relates to a slit valve assembly that is configured for attachment to any manner of vacuum chamber module, for example a module used in a vapor deposition processing line for the manufacture of solar panels. The Decision alleges that the instant claims are merely directed to a valve assembly and that there is no mention of the manufacture of solar panels in the instant claims. The Decision also implies that Applicant speculates as to how an end-user might specially apply the invention in a manner that could materially contribute to materially enhancing the quality of the environment or materially contributing to

development of renewable energy resources or energy conservation or greenhouse gas reduction. Applicant does not agree with the comments made in the Decision.

Applicant respectfully submits that the present invention is generally directed to the field of vacuum chamber modules, and more particularly to an improved slit valve used with such modules. (see at least paragraph [0001]).

As noted in the present application, embodiments of the present invention are particularly associated with the production of thin film photovoltaic (PV) modules, also referred to as "solar panels". (see at least paragraph [0002]). Throughout the specification, it is indicated that the described system may be configured for deposition of a thin film layer on a photovoltaic (PV) module substrate. (see at least paragraph [0022]). As such, Applicant respectfully disagrees that use of the present invention in conjunction with the processing of photovoltaic modules is speculative.

Production of thin film photovoltaic (PV) modules (also referred to as "solar panels") typically involves conveyance of a substrate, such as a glass panel, into and out of a vapor deposition chamber wherein a thin film layer of a semiconductor material is deposited onto the surface of the substrate. The process typically involves conveying the substrates through valves into and out of one or more vacuum chamber modules. The valves create a lock through which the substrates are conveyed and generally define a slot that is slightly larger than the cross section of the substrate in the open position of the valve. As such, the valves are generally referred to as "slit valves" in the art (see paragraph 0002).

Conventional slit valves are typically a self-contained unit that includes a housing that mounts onto the vacuum chamber module. These valves are not versatile and can be quite expensive. Different valve configurations are needed

for inlet valves and outlet valves. In addition, precise tolerances are needed for mating the valve housings onto the module housing to ensure proper operation of the valve and integrity of the vacuum chamber module during a vacuum process. Repair or replacement of the conventional slit valves can result in significant down time of the module, or the significant expense of maintaining an on-hand inventory of replacement valves (see paragraph 0003).

While solar power is considered one of the cleanest, most environmentally friendly energy sources presently available, the availability of solar energy as a viable power generating option heavily depends on the cost/benefit economics of solar energy. As such, it is important that the cost of producing the energy, including the manufacturing costs cannot outweigh the benefits. Accordingly, the solar power industry would benefit from an improved slit valve design particularly suited for vacuum chamber modules that is simple, robust, and eliminates certain of the disadvantages of conventional slit valves (see paragraph 0004).

In accordance with aspects of the invention, a slit valve assembly is configured for attachment to any manner of vacuum chamber module, for example a module used in a vapor deposition processing line for the manufacture of solar panels. The valve assembly is provided to seal a slot opening in a wall of the module in a closed position, and to provide access through the slot opening in an open position for passage of substrates through the module. The valve assembly includes a rotatable shaft driven by a rotary actuator between an open rotational position and a closed rotational position. An elongated seal plate is configured with the shaft and has a sealing face configured for sealing against the module wall over the slot opening in the closed rotational position of the shaft. At least one arm member operably connects the seal plate to the shaft. A plurality of spaced apart arm members may be used for

this purpose. The arm member is fixed to the shaft so as to rotate with the shaft and move the seal plate between the open and closed rotational positions. The arm member is pivotally attached to the seal plate and the seal plate is biased (i.e., by a spring or other biasing element) to an articulated position relative to the arm member. In this manner, as the shaft rotates towards the closed rotational position, an end of the seal plate initially engages the module wall and the seal plate pivots into a parallel sealing position relative to the module wall as the shaft continues to rotate to the closed rotational position. (see at least paragraph [0006]).

Embodiments of the present invention provide significant advantages in maintenance and replacement of the slit valve components (see paragraph 0040). It should be appreciated that the disclosed split valve may provide cost of manufacturing benefits to the cost/benefit economics of solar energy by providing a split valve for a vacuum deposition chamber for the manufacture of photovoltaic cells that requires less maintenance or repair. By reducing costs associated with the fabrication of solar cells, embodiments of the present invention reduce costs associated with producing solar energy. As such, embodiments of the present invention incentivize the creation and adoption of solar energy resources, and contribute to the discovery or development of renewable energy resources or energy conservation.

The undersigned attorney may be contacted at the number below to facilitate the resolution of any matters. Please charge any fees that are incurred in connection with this Statement to deposit account no. 09-0470.

Respectfully submitted,  
General Electric Company

By : /Allison W Mages/  
Allison Weiner Mages  
Reg. No. 57,275

Dated: January 13, 2012

GE Global Patent Operation  
2 Corporate Drive, Suite 648  
Shelton, CT 06484  
203-944-6730



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/857,810	08/17/2010	Russell Weldon Black	244724/PRSS-45	4679
93081	7590	01/30/2012		
Dority & Manning, P.A. and Primestar Solar Inc. Post Office Box 1449 Greenville, SC 29602			EXAMINER FORD, NATHAN K	
			ART UNIT	PAPER NUMBER
			1716	
			MAIL DATE	DELIVERY MODE
			01/30/2012	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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JAN 30 2012

Dority & Manning, P.A. and Primestar Solar Inc.  
Post Office Box 1449  
Greenville SC 29602

In re Application of	:	
Black et al.	:	DECISION ON PETITION
Application No. 12/857,810	:	TO MAKE SPECIAL UNDER
Filed: 8/17/2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 244724/PRSS-45	:	PILOT PROGRAM

This is a decision on the request for reconsideration, filed 1/13/2012, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009).

The petition is **DENIED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The petition lacks item(s) 4.

In regard to item 4, petitioner should note that the instant petition includes a statement identifying the basis for the special status (i.e., whether the instant invention (1) materially enhances the quality of the environment or materially contributes to (2) development of renewable energy resources or energy conservation, or (3) greenhouse gas reduction) as required by sections II and III of the notice. However, as stated in the notice, applicant must also provide a statement pertaining to the materiality standard if the application disclosure is not clear on its face as to the materiality of the basis for the special status of the invention. It is not agreed that the application on its face meets that materiality standard.

Applicants argue that embodiments of the present invention relate generally to the field of vacuum chamber modules. Applicant continues to point out that the specification discloses embodiments that are associated with the production of thin film photovoltaic modules.

Applicant is directed to the original Federal Register Notice (12/8/2009) which states in part under Section I (Requirements): (4) The **claims** must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to : (1) The discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) greenhouse gas emission reduction... (emphasis added)

Applicants are correct that the specification discloses embodiments relating to photovoltaic modules, however as stated above the **claims** are silent with respect to photovoltaic modules. The claims are therefore open to other embodiments including those that are not photovoltaic related. The materiality standard does not permit an applicant to speculate how an end user might specifically apply the invention in a manner that could materially contribute to (1) materially enhancing the quality of the environment or materially contributing to (2) development of renewable energy resources or energy conservation, or (3) greenhouse gas reduction.

Any reconsideration of this decision should be submitted through the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen.

Telephone inquiries concerning this decision should be directed to Tom Dunn at 571-272-1171.



The application is being forwarded to the Technology Center Art Unit 1716 for action in its regular turn.

/Tom Dunn/

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Tom Dunn  
Quality Assurance Specialist  
Technology Center 1700



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Alexandria, VA 22313-1450  
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**MACCORD MASON PLLC**  
**300 N. GREENE STREET, SUITE 1600**  
**P. O. BOX 2974**  
**GREENSBORO NC 27402**

**MAILED**

**APR 11 2011**

**OFFICE OF PETITIONS**

In re Application of	:	
Gerald R. BLACK	:	
Application No. 12/857,819	:	DECISION ON PETITION
Filed: August 17, 2010	:	
Attorney Docket No. 8855-08A	:	

This is a decision on the petition under 37 CFR 1.82 filed October 25, 2010, in response to the Notice of Omitted Items in a Nonprovisional Application.

The petition is **DISMISSED**

On August 31, 2010, the Office mailed a Notice to File Missing Parts stating that a filing dated has been accorded to the above-identified application, however the oath/declaration is missing and Figures 4A and 4B were describe in the specification but the drawings appear to have been omitted.

Petitioner states that Figures 4A and 4B were inadvertently omitted and has provided the Office with the required drawing figures and the oath/declaration. However, a new oath that refers to the preliminary amendment is required.

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. If the person signing the petition desires to receive future correspondence regarding this application, the appropriate power of attorney documents must be submitted. While a courtesy copy of this decision is being mailed to the person signing the petition, all future correspondence will be directed to the address currently of record until appropriate instructions are received.

Further correspondence with respect to this matter should be delivered through one of the following mediums:

By mail:                      Mail Stop PETITIONS  
                                    Commissioner for Patents  
                                    Post Office Box 1450  
                                    Alexandria, VA 22313-1450

By hand:                     Customer Service Window  
                                    Mail Stop Petitions  
                                    Randolph Building  
                                    401 Dulany Street  
                                    Alexandria, VA 22314

By fax:                        (571) 273-8300  
                                    ATTN: Office of Petitions

By internet:                EFS-Web  
                                    [www.uspto.gov/ebs/efs\\_help.html](http://www.uspto.gov/ebs/efs_help.html)  
                                    (for help using EFS-Web call the  
                                    Patent Electronic Business Center  
                                    at (866) 217-9197)

Any questions concerning this matter may be directed to Michelle R. Eason at (571) 272-4231.



Thurman K. Page  
Petitions Examiner  
Office of Petitions



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**300 N. GREENE STREET, SUITE 1600**  
**P. O. BOX 2974**  
**GREENSBORO NC 27402**

**MAILED :**

**JUL 01 2011**

In re Application of	:	OFFICE OF PETITIONS
Gerald R. BLACK	:	
Application No. 12/857,819	:	DECISION ON PETITION
Filed: August 17, 2010	:	
Attorney Docket No. 8855-08A	:	

This is a decision on the renewed petition under 37 CFR 1.182, filed May 27, 2011.

On August 31, 2010, the Office mailed a Notice to File Missing Parts indicating that a filing date has been accorded however, the oath/declaration is missing and figures 4A and 4B was omitted from the application.

Petitioner request reconsideration of the petition filed October 25, 2010. Petitioner has provided the Office with the omitted drawing figures previously submitted October 25, 2010 and a new oath/declaration as required by the petition decision of April 11, 2011.

In view of the above, the petition is **GRANTED**.

Telephone inquiries relating to this decision should be directed to Michelle R. Eason at (571) 272-4231.

This application file is being referred to the Office of Patent Application Processing.

Thurman K. Page  
Petitions Examiner  
Office of Petitions



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**STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.**  
**1100 NEW YORK AVENUE, N.W.**  
**WASHINGTON DC 20005**

**MAILED**

**NOV 21 2011**

**OFFICE OF PETITIONS**

Applicants: Ekkehard Mossner , et al  
Appl. No.: 12/857,882  
Filing Date: August 17, 2010  
Title: TARGETED IMMUNOCONJUGATES  
Attorney Docket: 1975.0640001/TJS/T-M/M-N  
Pub. No.: US 20110064751 A1  
Pub. Date: March 17, 2011

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on May 17, 2011, for the above-identified application.

Applicant requests that the application be republished because the patent application publication contains material errors.

The request is DISMISSED.

37 CFR 1.221 (b) is applicable “only when the Office makes a **material mistake** which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable.” (Emphasis added) A material mistake must affect the public’s ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.<sup>1</sup>

The errors recognized by applicant in the publication on March 17, 2011, are **not** Office errors under 37 CFR 1.221(b). The errors are due to the quality of the text, which makes it difficult to electronically reproduce by digital imaging and optical character recognition. See 37 CFR 1.52(a)(1)(v), which states that all papers that are to become a permanent part of Office records must be presented “in a form having sufficient clarity and contrast between the paper and the writing to permit . . . electronic capture by use of digital imaging and optical character recognition.” As set forth at MPEP 1121, “applications with poor quality text, which may be acceptable for scanning and examination purposes, may lead to errors in the patent application publication. Correction of these errors and inclusion of any desired amendments into the text of the originally-filed specification and drawings will only occur if applicant files a request for

<sup>1</sup>Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

republishing under 37 CFR 1.221(a). They will not be corrected by the Office in a corrected publication under 37 CFR 1.221(b)."

Applicant may wish to consider filing a "request for republication of an application previously published" under 37 CFR 1.221 (a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18 (d) and the processing fee set forth in § 1.17 (i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18 (d) will be refunded. The processing fee will be retained.

A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

<http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp>

OR

[http://www.uspto.gov/eac/portal/efs/pgpub\\_quickstart.pdf](http://www.uspto.gov/eac/portal/efs/pgpub_quickstart.pdf)

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication" and questions or request for reconsideration of the decision, should be addressed as follows:

By mail to: Mail Stop PGPUB  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Va. 22313-1450

Inquiries relating to this matter may be directed to Karen Creasy at (571) 272-3208.

/Christopher Bottorff/

Christopher Bottorff  
Petitions Examiner  
Office of Petitions



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/857,960	08/17/2010	Dorothee Herlyn	WSTR-0032D	4940
<div>7590 Licata &amp; Tyrrell P.C. 66 E. Main Street Marlton, NJ 08053</div>				
<div>03/30/2012</div>				
<div>EXAMINER EWOLDT, GERALD R</div>				
<div>ART UNIT 1644</div>				
<div>PAPER NUMBER</div>				
<div>MAIL DATE 03/30/2012</div>				
<div>DELIVERY MODE PAPER</div>				

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The time period for reply, if any, is set in the attached communication.



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Licata & Tyrrell P.C.  
66 E. Main Street  
Marlton NJ 08053

MAR 30 2012

In re Application of :  
Herlyn et al. :  
Serial No.: 12/857,960 : Decision on Petition  
Filed: August 17, 2010 :  
Attorney Docket No: **WSTR-0032D** :

This letter is in response to the petition filed under 37 C.F.R. § 1.181 filed on February 27, 2012 requesting that the final Office action of February 6, 2012 be withdrawn.

## BACKGROUND

The examiner mailed to applicants a restriction requirement on November 28, 2011. Claims 1-13 were pending and were restricted into five groups claims

In response thereto, applicants elected group I, claim 1, with traverse on December 21, 2011.

The examiner mailed to applicants a final Office action on February 6, 2012. Claim 1 was pending and rejected. Claims 2-13 were withdrawn from consideration. Claim 1 was rejected under 35 U.S.C. 112, second paragraph, as indefinite. Claim 1 was rejected under 35 U.S.C. 102(b) as being clearly anticipated over Mustafa et al. The examiner indicated that the Office action was made final.

On February 16, 2012, applicants submitted an amendment after final including claim amendments to the claims.

On February 22, 2012, the examiner mailed to applicants an advisory action indicating that the after final amendment would be entered and the 35 USC 112, second paragraph, would be overcome by entry of the amendment. The claims were indicated as not allowed, however.

On February 27, 2012, applicants filed this petition, requesting that the final Office action of February 6, 2012 be withdrawn.



## DISCUSSION

The petition and file history have been carefully considered.

Applicants argue that "The instant application is a continuation of US 11/917,363, filed January 14, 2008. During the prosecution of '363 parent application, the Office issued a Restriction Requirement, mailed January 29, 2010, and a single Non-Final Rejection, mailed on May 17, 2010. Subsequently, a Notice of Abandonment was mailed on February 25, 2011, because Applicants failed to file a reply to the Non-Final Rejection. The instant application was filed on August 17, 2010 and contained the same claims as those filed in the '363 parent application. As in the parent application, a Restriction Requirement was issued and Applicants responded by electing the same claims as those elected for prosecution in the '363 parent application. However, instead of a Non-Final Rejection, the first substantive Office Action issued in the prosecution of the instant application was a Final Rejection (mailed February 6, 2012), which rejected claim 1 under 35 U.S.C. 112, second paragraph and under 35 U.S.C.102(b). Applicants responded to the Final Rejection on February 16, 2012 by amending claim 1 to overcome the rejection under 35 U.S.C. 112, second paragraph; arguing that there was no explicit or inherent teaching in the cited reference to support the rejection under 35 U.S.C. 102(b); and requesting that the finality of the Office Action be withdrawn."

Applicants also pointed out that "...an application may be finally rejected in the first Office Action in those situations where (A) the new application is a continuing application of, or a substitute for, an earlier application, and (B) all claims of the new application (i) are drawn to the same invention claimed in the earlier application, AND (2) would have been properly finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Because no reply was ever filed in the prosecution of the '363 parent application in response to the Office Action mailed May 17, 2010, it is a factual and legal impossibility that the claims of the '363 parent application would have been finally rejected on the grounds and art of record in the next Office Action. In the Advisory Action mailed February 22, 2012, the Office maintained the rejection under 35 U.S.C. 102(b) and the finality of the Office Action because:

"Applicant chose to file no response in the parent application and further chose to file the same claims in this continuation application, electing the same group as was previously examined and rejected. Final rejection of the previous application would have been proper had Applicant filed a response, thus, final rejection in this application was proper."

However, this analysis and conclusion are inconsistent with the criteria set out in MPEP 706.07(b). There are numerous reasons why an Applicant may not respond to an Office Action; some may be by choice, others may be by necessity, e.g., a serious injury, illness, pregnancy, or

financial hardship. Therefore, Applicants take exception to the Office's position that Applicant "chose to file no response in the parent application."

Applicants' arguments have been accorded careful consideration but they are not persuasive that the examiner erred in making the Office action of February 6, 2012 final. Applicants should note MPEP 706.07(b) which specifically states:

"706.07(b) Final Rejection, When Proper on First Action [R-6]

The claims of a new application may be finally rejected in the first Office action in those situations where (A) the new application is a continuing application of, or a substitute for, an earlier application, and (B) all claims of the new application (1) are drawn to the same invention claimed in the earlier application, and (2) would have been properly finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application."


The examiner's point that "Applicant chose to file no response in the parent application and further chose to file the same claims in this continuation application, electing the same group as was previously examined and rejected. Final rejection of the previous application would have been proper had Applicant filed a response, thus, final rejection in this application was proper" is deemed to be correct. The examiner has, in fact, followed proper procedure in accordance with MPEP 706.07 (b). Accordingly, the finality of the Office action of February 6, 2012 is deemed proper.

## **DECISION**

The petition is **DENIED**.

Any new or renewed petition must be filed within TWO MONTHS of the mail date of this decision.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, Technology Center 1600, at the address listed above, or by telephone at 571-272-1600 or by facsimile sent to the general Office facsimile number, 571-273-8300.



George Elliott  
Director, Technology Center 1600

**Doc Code: PET.GREEN**

**Document Description: Petition for Green Tech Pilot**

PTO/SB/420 (11-10)

Approved for use through 01/31/2011. OMB 0651-0062

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

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## PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket  
Number: 83142638 (FMC 3078 PUS)

Application Number  
(if known): 12/858,041

Filing date: August 17, 2010

First Named  
Inventor: Ronald Carl Elder

Title: Battery And Ultracapacitor Device And Method of Use

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

**Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.**

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: Statement to Make Special

Signature /G. Daniel Templeton/

Date March 9, 2011

Name  
(Print/Typed) G. Daniel Templeton

Registration Number 47130

**Note:** Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below\*.



\*Total of 1 forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**Instruction Sheet for  
Petition to Make Special Under the Green Technology Pilot Program**  
(Not to be Submitted to the USPTO)

**The following is a summary of the requirements (for more information see the notices (i) "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," (ii) "Elimination of Classification Requirement in the Green Technology Pilot Program," and (iii) "Expansion and Extension of the Green Technology Pilot Program," available on the USPTO web site at [http://www.uspto.gov/patents/init\\_events/green\\_tech.jsp](http://www.uspto.gov/patents/init_events/green_tech.jsp)):**

- 1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111 (a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371, irrespective of the filing date of the application. Reexamination proceedings are excluded from this pilot program.
- 2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.
- 3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice (i) cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice (i) cited above.
- 4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.
- 5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.
- 6) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



# UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/858,041	08/17/2010	Ronald Carl Elder	83142638	5086
28395 7590 03/29/2011 BROOKS KUSHMAN P.C./FGTL 1000 TOWN CENTER 22ND FLOOR SOUTHFIELD, MI 48075-1238			EXAMINER BENSON, WALTER	
			ART UNIT 2837	PAPER NUMBER
			MAIL DATE 03/29/2011	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

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BROOKS KUSHMAN P.C./FGTL  
1000 TOWN CENTER  
22ND FLOOR  
SOUTHFIELD MI 48075-1238

In re Application of	:	
ELDER et al.	:	
Application No. 12/858,041	:	DECISION ON PETITION
Filed: August 17, 2010	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 83142638	:	THE GREEN TECHNOLOGY
	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on March 09, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.


In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

The application is being forwarded to the Technology Center Art Unit 2837 for action in its regular turn.

  
\_\_\_\_\_  
Lee W. Young  
Quality Assurance Specialist  
Technology Center 2800





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180 NORTH STETSON AVENUE  
CHICAGO, IL 60601-6731

**MAILED**

**SEP 23 2011**

**OFFICE OF PETITIONS**

Applicant: Hoffmann, et al.  
Appl. No.: 12/858,080  
Filing Date: August 17, 2010  
Title: DAMPING UNIT FOR A PRESS  
Attorney Docket: 268752  
Pub. No.: US 2010/0307354 A1  
Pub. Date: December 9, 2010

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221, received on December 15, 2010, for the above-identified application. The request is being treated as a request under 37 CFR 1.221(b).

It is not clear if Applicant is requesting a request under 37 CFR 1.221(a) or 37 CFR 1.221(b). If Applicant is attempting to file a request under 37 CFR 1.221(a), see the links provided on page 2 of this decision. No fees have been charged.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains an error on the front page of the application wherein the title of the invention is incorrect.

37 CFR 1.221 (b) is applicable “only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable.” A material mistake must affect the public’s ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.<sup>1</sup>

<sup>1</sup>Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

The instant request does not identify a mistake made by the Office, wherein the title "DUMPING UNIT FOR A PRESS", should have been printed as "DAMPING UNIT FOR A PRESS". The title was printed as it appears in the ADS filed with the application. Furthermore an error in title is not a material error as defined under 37 CFR 1.221(b). An error in the title does not affect the understanding of the application. The mistake does not affect the public's ability to appreciate the technical disclosure of the patent application publication, or determine the scope of the patent application publication or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.

On August 31, 2010, a Filing Receipt was mailed by the Office, which listed the title as "DUMPING UNIT FOR A PRESS". To avoid this type of problem in the future, applicant's representative should correct the error and make a request for a corrected filing receipt prior to export of the application to the publisher and publication of the application.

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221 (a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18 (d) and the processing fee set forth in § 1.17 (i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18 (d) will be refunded. The processing fee will be retained.

A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

<http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp>

[http://www.uspto.gov/ebc/portal/efs/pgpub\\_quickstart.pdf](http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf)

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication".

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.



Mark Polutta  
Senior Legal Advisor  
Office of Patent Legal Administration  
Office of the Deputy Commissioner  
for Patent Examination Policy

**Doc Code: PET.GREEN**

**Document Description: Petition for Green Tech Pilot**

PTO/SB/420 (11-10)

Approved for use through 01/31/2011. OMB 0651-0062

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket  
Number: FMC2947PUSP (83156933)

Application Number  
(if known): 12858112

Filing date: August 17, 2010

First Named  
Inventor: Duane M. Grider

Title: Method And System For Determining A Plug-In Hybrid Electric Vehicle Expected Drive Range

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

**Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.**

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: \_\_\_\_\_

Signature /Benjamin Stasa/

Date 2011-03-15

Name Benjamin Stasa  
(Print/Typed)

Registration Number 55,644

**Note:** Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below\*.



\*Total of <sup>1</sup> forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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**Instruction Sheet for  
Petition to Make Special Under the Green Technology Pilot Program  
(Not to be Submitted to the USPTO)**

**The following is a summary of the requirements (for more information see the notices (i) "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," (ii) "Elimination of Classification Requirement in the Green Technology Pilot Program," and (iii) "Expansion and Extension of the Green Technology Pilot Program," available on the USPTO web site at [http://www.uspto.gov/patents/init\\_events/green\\_tech.jsp](http://www.uspto.gov/patents/init_events/green_tech.jsp)):**

- 1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111 (a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371, irrespective of the filing date of the application. Reexamination proceedings are excluded from this pilot program.
- 2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.
- 3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice (i) cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice (i) cited above.
- 4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.
- 5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.
- 6) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/858,112	08/17/2010	Duane M. Grider	83156933	5202
28395 7590 03/30/2011 BROOKS KUSHMAN P.C./FGTL 1000 TOWN CENTER 22ND FLOOR SOUTHFIELD, MI 48075-1238			EXAMINER KEITH, JACK W	
			ART UNIT 3663	PAPER NUMBER
			MAIL DATE 03/30/2011	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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MAR 30 2011

BROOKS KUSHMAN P.C./FGTL  
1000 TOWN CENTER  
22ND FLOOR  
SOUTHFIELD MI 48075-1238

In re Application of	:	
Duane GRIDER et al.	:	DECISION ON PETITION
Application No. 12/858,112	:	TO MAKE SPECIAL UNDER
Filed: August 17, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 83156933	:	PILOT PROGRAM

This is a decision on the petitions under 37 CFR 1.102, filed March 16, 2011 to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the

Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The petition lacks item 4.

In regard to item 4, the claimed method and system for determining a PHEV vehicle expected drive range does not affect the operation of said vehicle, and may not have any impact on the way a driver operates said vehicle. It is noted that the claimed invention cannot anticipate the traffic conditions, weather, the travel route, or the driving patterns of the driver, all of which can affect the fuel consumption, the emissions, and drive range of the vehicle. As such, petitioner's assertion of the claimed apparatus's efficient utilization and conservation of energy resources, or reduction of greenhouse gas emissions appears to be speculative. As stated in the notice, the materiality standard does not permit an applicant to speculate as to how a hypothetical end-user might specially apply the invention in a manner than could materially contribute to category (A) or (B). *Also see MPEP § 708.02 (VI)*. Accordingly, it is unclear as to how the claimed invention would materially contribute to category (B), and it is not agreed that the application on its face meets that materiality standard.

Any reconsideration of this decision should be submitted through the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen.

Telephone inquiries concerning this decision should be directed to Lanna Mai at 571-272-6867.

The application is being forwarded to the Technology Center Art Unit 3663 for action in its regular turn.

/Lanna Mai/

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Lanna Mai  
Quality Assurance Specialist  
Technology Center 3600



# REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO

Application No:	12/858,120	Filing date:	August 17, 2010
First Named Inventor:	Alison Fiona Stephens		

Title of the  
Invention: **HAIR REMOVAL DEVICE**

**THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT [HTTP://WWW.USPTO.GOV/EBS/EF5\\_HELP.HTML](http://www.uspto.gov/ebs/efs_help.html)**

**APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.**

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application.

**The corresponding PCT application number(s) is/are:** PCT/US2010/045270

**The international date of the corresponding PCT application(s) is/are:** August 12, 2010

## I. List of Required Documents:

- a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)**



Is attached



Is not attached because the document is already in the U.S. application.

- b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**



Is attached.



Is not attached because the document is already in the U.S. application.

- c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

- d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**



Is attached



Has already been filed in the above-identified U.S. application on June 10, 2011

- (2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)**



Are attached.



Have already been filed in the above-identified U.S. application on June 10, 2011

## REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO

(continued)

Application No.:	12/ 858,120
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First Named Inventor:	Alison Fiona Stephens
-----------------------	-----------------------

**II. Claims Correspondence Table:**

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	US claim 1 has the same elements as PCT claim 1, with the exception of the preferential language move to US Claim 2.
2	1	US claim 2 has the same elements as claim 1 of the corresponding PCT application
3	2	US claim 3 has the same elements as claim 2 of the corresponding PCT application
4	3	US claim 4 has the same elements as claim 3 of the corresponding PCT application
5	4	US claim 5 has the same elements as claim 4 of the corresponding PCT application
6	5	US claim 6 has the same elements as claim 5 of the corresponding PCT application
7	6	US claim 7 has the same elements as claim 6 of the corresponding PCT application
8	7	US claim 8 recites a fragrance oil which is also included in PCT Claim 7.
9	7	US claim 9 has the same elements as claim 7 of the corresponding PCT application
10	8	US claim 10 has the same elements as claim 8 of the corresponding PCT application
11	9	US claim 11 has the same elements as claim 9 of the corresponding PCT application
12	10	US claim 12 has the same elements as claim 10 of the corresponding PCT application
13	1	US claim 13 recites a razor, whereas PCT claim 1 recites a hair removal device.
14	11	US claim 14 has the same elements as claim 11 of the corresponding PCT application
15	12	US claim 15 has the same elements as claim 12 of the corresponding PCT application
16	13	US claim 16 has the same elements as claim 13 of the corresponding PCT application

**III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.**

**IV. Payment of Fees:**

The petition fee under 37 CFR 1.17(h) as required by 37 CFR 1.102(d) must be paid via EFS-Web (using credit card, authorization to charge a deposit account, or electronic funds transfer).

Signature /Ronald Terk Sia/	Date June 10, 2011
Name (Print/Typed) Ronald Terk Sia	Registration Number 58,871

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant ( i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
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P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/858,120	08/17/2010	Alison Fiona Stephens	Z-08397M	5227
27752 7590 07/27/2011 THE PROCTER & GAMBLE COMPANY Global Legal Department - IP Sycamore Building - 4th Floor 299 East Sixth Street CINCINNATI, OH 45202			EXAMINER	
			ART UNIT	PAPER NUMBER
			3776	
			MAIL DATE	DELIVERY MODE
			07/27/2011	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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THE PROCTER & GAMBLE COMPANY  
Global Legal Department - IP  
Sycamore Building - 4th Floor  
299 East Sixth Street  
CINCINNATI OH 45202

*In re* Application of:  
STEPHENS, ALISON FIONA  
Serial No.: 12/858120  
Filed: August 17, 2010  
Attorney Docket No. : Z-08397M  
Title: HAIR REMOVAL DEVICE

:  
: DECISION ON A REQUEST TO  
: PARTICIPATE IN PATENT  
: PCT/PROSECUTION HIGHWAY  
: PROGRAM AND PETITION  
: TO MAKE SPECIAL UNDER  
: CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed June 10, 2011 to make the above-identified application special.

The request and petition are **dismissed**.

A grantable request to participate in the PPH pilot program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more PCT applications filed in the JPO, EPO, KIPO, or USPTO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
- (6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition met all conditions except Items #3 above.

With regard to Items #3, the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claims in the PCT application. Within U.S. claim 1, the language is changed from PCT claim 1 to move the preferential phrase “preferably from 5 to 25%” into dependent claim 2 instead. Although U.S. claim 1 contains the same threshold composition of 3 to 50%, the preferential phrase is still a limitation within PCT claim 1. By not including it within claim 1 of the U.S. application, the claim has been broadened from its PCT counterpart. To have sufficient claim correspondence, applicant is encouraged to include the preferential language back into independent claim 1.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn. Response must be filed via EFS-Web.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

Petition is **dismissed**.

/Henry C. Yuen/

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Henry C. Yuen, Special Programs Examiner  
Technology Center 3700 – Mechanical Engineering,  
Manufacturing and Products  
571-272-4856

Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (11-10)

Approved for use through 01/31/2011. OMB 0651-0062  
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket  
Number: 83159982

Application Number  
(if known): 12/858,196

Filing date: August 17, 2010

First Named  
Inventor: Kevin Chen

Title: METHOD FOR REDUCING UREA DEPOSITS IN AN AFTERTREATMENT SYSTEM

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

**Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.**

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: Preliminary Amendment

Signature / Donald J. Lewis/

Date March 23, 2011

Name  
(Print/Typed) Donald J. Lewis

Registration Number 55,813

**Note:** Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below\*.



\*Total of 1 forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant : Kevin Chen  
Application No. : 12/858,196  
Filed : August 17, 2010  
Title : METHOD FOR REDUCING UREA DEPOSITS IN AN  
AFTERTREATMENT  
Group Art Unit : 3748  
Confirmation No. : 5374  
Docket No. : 83159982

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**CERTIFICATE OF TRANSMISSION**

I hereby certify that this correspondence is being transmitted via the U.S. Patent and Trademark Office electronic filing system (EFS-Web) to the USPTO on:

March 23, 2011

Date

/Angie C. Farr/

Angie C. Farr

**STATEMENTS OF SPECIAL STATUS**

Applicants respectfully request consideration of the following statement concerning the basis for the special status as well as the following statement pertaining to the materiality standard.

*I. Statement concerning the basis for special status.*

Applicant submits that special status is sought on the following basis: the claimed invention materially enhances the quality of the environment.

*II. Statement pertaining to the materiality standard.*

As a preliminary matter, Applicant notes that the following statement refers explicitly to the elements of independent claim 1, which is the broadest claim in many respects.

Applicants submit that the claimed invention materially enhances the quality of the environment by reducing NOx and other vehicle emissions, which negatively impact the quality of the environment. Specifically, the claimed invention reduces an accumulation of urea deposited in an aftertreatment system, which can degrade emissions. As explained in the Background and Summary of the subject application,



diesel vehicles are equipped with an aftertreatment system which may include, for example, one or more of each of a selective catalytic reduction (SCR) system and a diesel particulate filter in order to reduce emissions. Such an aftertreatment system may utilize the injection of a reductant such as urea to facilitate the reduction of NO<sub>x</sub>, for example. An injection amount of urea that is too low may result in a NO<sub>x</sub> conversion efficiency that is too low to meet regulation standards. On the other hand, an injection amount of urea that is too high may result in urea deposits in the system which may also decrease NO<sub>x</sub> efficiency and increase urea slip, as well as generate increased white smoke in the exhaust at high temperatures when the deposit is decomposed and released. The claimed invention addresses this issue by adjusting an amount of urea injected to the SCR catalyst based on the amount of soot produced. For example, claim 1 recites:

A method for an aftertreatment system of an engine exhaust including a selective catalytic reduction (SCR) catalyst and a particulate filter (PF), comprising:

during decreased soot production, decreasing a total amount of urea injected to the SCR catalyst between a first and second regeneration;

and  
during increased soot production, increasing the total amount of urea injected to the SCR catalyst between the first and second regeneration.

Thus, a method for an aftertreatment system of an engine exhaust, the aftertreatment system including a SCR catalyst and a particulate filter (PF), is disclosed. The method comprises, during decreased soot production, decreasing a total amount of urea injected to the SCR catalyst between a first and second regeneration and, during increased soot production, increasing the total amount of urea injected to the SCR catalyst between the first and second regeneration.

As such, during decreased soot production when the average engine out soot amount per unit time is decreased, the amount of urea injected to the SCR catalyst may be limited to a reduced level, and the total amount of urea injected during decreased soot production is less than that during an interval of increased soot production when the average engine out soot amount per unit time is increased. In this way, an amount of urea injected to the SCR catalyst may be controlled such that NO<sub>x</sub> conversion efficiency may

be increased and accumulated soot deposits in the SCR catalyst may be reduced resulting in a reduced amount of white smoke in the exhaust, for example.

Please charge any cost incurred in this filing, along with any other costs, to Deposit Account No. 06-1510.

Respectfully submitted,

ALLEMAN HALL MCCOY RUSSELL &  
TUTTLE LLP

/Donald J. Lewis/

Donald J. Lewis

Registration No. 55,813

Customer No. 36865

Attorney/Agent for Applicant/Assignee

806 S.W. Broadway, Suite 600

Portland, Oregon 97205

Telephone: (503) 459-4141

Facsimile: (503) 459-4142



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/858,196	08/17/2010	Kevin Chen	83159982	5374
36865 7590 04/14/2011 ALLEMAN HALL MCCOY RUSSELL & TUTTLE, LLP 806 S.W. BROADWAY, SUITE 600 PORTLAND, OR 97205			EXAMINER NGUYEN, TU MINH	
			ART UNIT 3748	PAPER NUMBER
			MAIL DATE 04/14/2011	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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ALLEMAN HALL MCCOY RUSSELL & TUTTLE, LLP  
806 S.W. BROADWAY, SUITE 600  
PORTLAND OR 97205

In re Application of	:	
CHEN, KEVIN	:	DECISION ON PETITION
Application No. 12/858,196	:	TO MAKE SPECIAL UNDER
Filed: Aug. 17, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 83159982	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed March 23, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is Granted.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a

request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded “special” status.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

This application will be forwarded to the Technology Center Art Unit 3748 for action on the merits commensurate with this decision.

/Henry C. Yuen/

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Henry C. Yuen  
Quality Assurance Specialist  
Technology Center TC 3700



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United States Patent and Trademark Office  
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**WEIDE & MILLER, LTD.  
7251 W. LAKE MEAD BLVD.  
SUITE 530  
LAS VEGAS NV 89128**

**MAILED**

**OCT 12 2010**

**OFFICE OF PETITIONS**

In re Application of	:	
Louis Lomazzo	:	
Application No. 12/858,215	:	
Filed: August 17, 2010	:	DECISION ON PETITION
Attorney Docket No. LOUISL.0001P	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 17, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement by an attorney on behalf of inventor Louis Lomazzo attesting to his age. The above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3657 for action on the merits commensurate with this decision.

/Kimberly Inabinet/

Kimberly Inabinet  
Petitions Examiner  
Office of Petitions

Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (05-10)

Approved for use through 01/31/2011. OMB 0651-0062

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: **31500.63** Application Number (if known): **12/858,264** Filing date: **AUGUST 17, 2010**

First Named Inventor: **JIHAD HASSAN AL-SADAH**

Title: **SYSTEM FOR ELECTROSTATIC DESALINATION**

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

~~This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.~~

1. By filing this petition:

**Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.**

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements set forth in the notice titled "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," as modified by the notice titled "Elimination of Classification Requirement in the Green Technology Pilot Program," each of which was published in the Federal Register, if the Office determines that the claims are not obviously directed to a single invention.

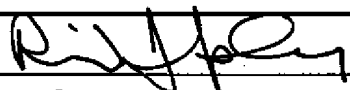
3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: \_\_\_\_\_

Signature



Date

**01-24-2011**

Name

(Print/Typed)

**RICHARD J. APLEY**

Registration Number

**51,316**

**Note:** Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below\*.



\*Total of **1** forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Docket No. 31500.63  
Confirmation No. 5503  
Customer No. 37833

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN THE PATENT APPLICATION OF:

APPLICANT: **JIHAD HASSAN AL-SADAH**

SERIAL NO: **12/858,264**

ART UNIT: **1797**

FILED: **AUGUST 17, 2010**

EXAMINER: **UNKNOWN**

FOR: **SYSTEM FOR ELECTROSTATIC DESALINATION**

COMMISSIONER FOR PATENTS  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450

**STATEMENT OF SPECIAL STATUS  
SUPPLEMENTAL TO PETITION TO MAKE SPECIAL UNDER THE GREEN  
TECHNOLOGY PILOT PROGRAM**

Sir:

This communication is supplemental to the Petition to Make Special Under the Green Technology Pilot Program being filed herewith for the above-referenced patent application, in support of the present invention's meeting of the eligibility requirements therefor. Additionally, Applicant is requesting early publication under CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.

Advancement of examination out of turn of the above-referenced patent application is hereby requested under the Green Technology Pilot Program. The present invention generally relates to *environmental quality and energy conservation*. In particular, the present invention is drawn to a desalination system, which provides evaporative desalination of brine or salt water using ionized gas formed through corona discharge. The system for electrostatic desalination includes a plurality of stacked water collection plates. Each water



collection plate has an upper surface and a lower surface. A thin film of salt water is formed on the upper surface of each water collection plate.

A plurality of cathodes are provided, with each cathode extending between a pair of adjacent ones of the plurality of stacked water collection plates. The cathodes may be in the form of individual wires or leads extending between adjacent water collection plates, with one end of each wire terminating therebetween, and the other end being connected to the positive terminal of an external voltage source. A plurality of anodes are further provided, with each anode being secured to a respective one of the lower surfaces of the plurality of stacked water collection plates.

Each anode is in communication with the negative terminal of the external voltage source to generate an electrostatic field between the cathodes and the corresponding anodes, thus producing a corona discharge of ionized gas between each of the stacked water collection plates in order to ionize molecules of water in the water vapor and enhance their drifting toward the anode and, ultimately, the condensation thereof. It should be noted that the electrostatic field is of a very low magnitude, thus requiring minimal energy input for the desalination to occur. The desalination is, in fact, largely evaporative, requiring only energy from the environment, rather than from an external power supply.

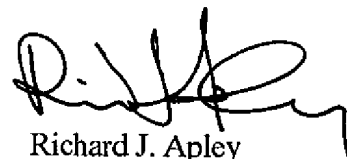
In use, the external voltage is selectively applied across the plurality of cathodes and the plurality of anodes in order to generate corona-ionized gas between pairs of adjacent ones of the plurality of stacked water collection plates. Due to natural evaporation, water vapor is formed between each plate. The molecules of water in the water vapor are ionized and the applied voltage enhances the drift thereof toward the corresponding anode, thus enhancing the production of condensed water vapor the thin film of salt water formed on each upper surface. The pure water vapor condenses into pure liquid water on uncovered

portions of the lower surfaces of the plurality of stacked water collection plates. Preferably, the water collection plates are substantially parallel, and are also inclined with respect to the horizontal, allowing the collected condensed water to drip or trickle, under the force of gravity, from the plates for collection.

The present invention, as described above, is an evaporative desalination system with water production being aided through a minimal electrical effect. Thus, the system provides purified and potable water (a limited and extremely vital resource) in a manner which relies primarily on natural evaporation of salt water, thus providing one necessary resource without the waste of other vital resources, and with the process taking place in a completely environmentally-friendly manner with no waste gases or harmful byproducts being produced.

It is now believed that the requirements to accelerate examination of the above-referenced patent application under the Green Technology Pilot Program have been met, and such action is respectfully requested.

Respectfully submitted,



Richard J. Apley  
Registration No. 51,316  
(703) 486-1000

RJA:mdr



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/858,264	08/17/2010	JIHAD HASSAN AL-SADAH	31500.63	5503
37833 7590 02/04/2011 LITMAN LAW OFFICES, LTD. PATENT LAW BUILDING 8955 CENTER STREET MANASSAS, VA 20110			EXAMINER	
			ART UNIT	PAPER NUMBER
			1724	
			MAIL DATE	DELIVERY MODE
			02/04/2011	PAPER

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LITMAN LAW OFFICES, LTD.  
PATENT LAW BUILDING  
8955 CENTER STREET  
MANASSAS VA 20110

2/4/2011

In re Application of	:	
Jihad Hassan Al-Sadah	:	DECISION ON PETITION
Application No. 12/858,264	:	TO MAKE SPECIAL UNDER
Filed: August 17, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 31500.63	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed January 24, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded “special” status.

Telephone inquiries concerning this decision should be directed to Blaine Copenheaver at 571-272-1156.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Blaine Copenheaver/

---

Blaine Copenheaver  
Quality Assurance Specialist  
Technology Center 1700

**Doc Code: PET.GREEN**

**Document Description: Petition for Green Tech Pilot**

PTO/SB/420 (11-10)

Approved for use through 01/31/2011. OMB 0651-0062

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

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## PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket  
Number: 83161147

Application Number  
(if known): 12/858,268

Filing date: August 17, 2010

First Named  
Inventor: August Thomas Vaught

Title: EGR MIXER FOR HIGH-BOOST ENGINE SYSTEMS

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

**Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.**

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: \_\_\_\_\_

Signature /John D. Russell/

Date March 16, 2011

Name  
(Print/Typed) John D. Russell

Registration Number 47,048

**Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below\*.**

☒ \*Total of 1 forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: **Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

*If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.*

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants : August Thomas Vaught, et al.  
Application No. : 12/858,268  
Filed : August 17, 2010  
Title : EGR MIXER FOR HIGH-BOOST ENGINE SYSTEMS  
Group Art Unit : 3748  
Confirmation No. : 5517  
Docket No. : 83161147 ✓

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**CERTIFICATE OF TRANSMISSION**

I hereby certify that this correspondence is being transmitted via the U.S. Patent and Trademark Office electronic filing system (EFS-Web) to the USPTO on:

March 16, 2011

Date

/Angie C. Farr/

Angie C. Farr

**STATEMENTS OF SPECIAL STATUS**

Applicants respectfully request consideration of the following statement concerning the basis for the special status as well as the following statement pertaining to the materiality standard.

*I. Statement concerning the basis for special status.*

Applicants submit that special status is sought on the following bases: (1) the claimed invention materially contributes to the more efficient utilization and conservation of energy resources; and/or (2) the claimed invention materially contributes to greenhouse gas emission reduction; and/or (3) the claimed invention materially enhances the quality of the environment.

*II. Statement pertaining to the materiality standard.*

As a preliminary matter, Applicants note that the following statement refers explicitly to the elements of independent claim 1, which is the broadest claim in many respects.

Regarding basis (1), Applicants submit that the claimed invention materially contributes to the more efficient utilization and conservation of energy resources by

improving fuel economy (*e.g.*, more efficiently utilizing and conserving fossil fuels). Specifically, the claimed invention increases mixing of exhaust gas recirculation (EGR) with intake airflow without introducing excessive drag. As explained in the Background and Summary of the subject application, EGR strategies reduce the oxygen content of the intake air charge by diluting it with exhaust. When the diluted air-exhaust mixture is used in place of ordinary air to support combustion in the engine, lower combustion and exhaust temperatures result, which can reduce NO<sub>x</sub> emissions. EGR also improves fuel economy in gasoline engines by reducing throttling losses and heat rejection.

To enable appropriate control of EGR dilution levels and protect combustion stability, the recirculated exhaust is homogenized with the intake air charge, for example via an EGR mixer. However, some EGR mixers suffer a trade-off between effective homogenization on the one hand and excessive air-flow restriction on the other. In other words, the flow elements that provide effective homogenization also cause drag in the intake air flow, which reduces overall efficiency. Conversely, EGR mixers that present minimal drag may not provide adequate homogenization at every mixing point and operating condition, thus increasing emissions. The claimed invention addresses this issue by increasing mixing of EGR in the airflow.

For example, claim 1 recites:

An EGR mixer comprising:  
an upstream conduit section having a contracting flow area in a direction of air flow through the mixer;  
a downstream conduit section having an expanding flow area in the direction of air flow through the mixer;  
a slot formed in the downstream conduit section for admitting exhaust to the air flow; and  
an abrupt flow-expanding ridge disposed between the upstream and downstream conduit sections.

With an EGR mixer shaped in this manner, recirculated exhaust may be effectively homogenized into an intake air flow with reduced drag, thus improving efficiency (thus conserving fuel resources) and improving combustion stability thus improving emissions (by reducing incomplete combustion that would otherwise increase exhaust emissions). Further, the upstream and downstream conduit section may enable increase EGR flow to



be drawn into the airflow due to the increased mixing of the abrupt ridge, with the increased EGR further improving engine efficiency and reducing exhaust emissions.

Regarding basis (2), Applicants submit that the claimed invention materially contributes to greenhouse gas emission reduction as follows. CO<sub>2</sub> is a greenhouse gas produced from fossil fuel combustion. As explained above, the claimed invention increases efficiency by improving mixing of EGR with the intake air charge without increasing drag, thereby increasing fuel economy and thus lowering CO<sub>2</sub> emissions.

Regarding basis (3), Applicants submit that the claimed invention materially enhances the quality of the environment by reducing NOx emissions, which negatively impact the environment. As explained above, inadequate homogenization of EGR with the intake air flow may create areas of localized high combustion temperatures, which can degrade emissions by increasing NOx emissions. As set forth in claim 1, the claimed invention increases mixing of the EGR in the airflow, thus reducing NOx emissions and enhancing the quality of the environment.

Please charge any cost incurred in this filing, along with any other costs, to Deposit Account No. 06-1510.

Respectfully submitted,

ALLEMAN HALL MCCOY RUSSELL &  
TUTTLE LLP

/John D. Russell/

John D. Russell

Registration No. 47,048

Customer No. 36865

Attorney/Agent for Applicants/Assignee

806 S.W. Broadway, Suite 600

Portland, Oregon 97205

Telephone: (503) 459-4141

Facsimile: (503) 459-4142



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/858,268	08/17/2010	August Thomas Vaught	83161147	5517
36865 7590 03/30/2011 ALLEMAN HALL MCCOY RUSSELL & TUTTLE, LLP 806 S.W. BROADWAY, SUITE 600 PORTLAND, OR 97205				
			EXAMINER	
			ART UNIT	PAPER NUMBER
			3748	
			MAIL DATE	DELIVERY MODE
			03/30/2011	PAPER

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ALLEMAN HALL MCCOY RUSSELL & TUTTLE, LLP  
806 S.W. BROADWAY, SUITE 600  
PORTLAND OR 97205

In re Application of	:	
VAUGHT, AUGUST THOMAS et al	:	DECISION ON PETITION
Application No. 12/858,268	:	TO MAKE SPECIAL UNDER
Filed: Aug. 17, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 83161147	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed March 16, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is Granted.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a

request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded “special” status.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

This application will be forwarded to the Technology Center Art Unit 3748 for action on the merits commensurate with this decision.

/Henry C. Yuen/

---

Henry C. Yuen  
Quality Assurance Specialist  
Technology Center TC 3700



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SEP 29 2010

**OFFICE OF PETITIONS**

MESMER & DELEAULT, PLLC  
41 BROOK STREET  
MANCHESTER, NH 03104

In re Application of	:	
Andy Livingston, et. al.	:	DECISION REFUSING STATUS
Application No. 12/858,287	:	UNDER 37 CFR 1.47(a)
Filed: August 17, 2010	:	
Attorney Docket No. AEI.US.6	:	

This is in response to the petition under 37 CFR 1.47(a), filed August 17, 2010.

The petition is **dismissed**.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor. Applicant lacks item (1) set forth above.

As to item (1), the applicable statute (35 U.S.C. § 116) requires that a "diligent effort" have been expended in attempting to find or reach the non-signing inventor. See MPEP 409.03(a). The showing currently fails to demonstrate, with a documented showing, that a diligent effort was made to find or locate non-signing inventor Olivier B. Postel, such that the declaration can be accepted under 37 CFR 1.47(a). Where inability to find or locate a named inventor(s) is alleged, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a *diligent effort* was made to locate the inventor.

Petitioner has not demonstrated that all efforts were expended in trying to locate non-signing inventor Stephen R. LaFaille. In this regard, petitioner should, at the very least, conduct a search of the regional or national registry(s). The results of such search should be made in any future petition for reconsideration. See MPEP 409.03(d). Additionally, petitioner should state whether he has access to inventor LaFaille's personnel records and, if so, what does inspection of the records reveal as to a current address, forwarding address, or an address of the nearest living relative? What does inspection of the phone directories for those address locations reveal? Further, the

petition fails to indicate that correspondence was ever mailed unsuccessfully to the inventor's last known address. Therefore, at the very least, petitioner should mail correspondence to the inventor's last known address, return receipt and/or forwarding address requested. Petitioner should then mail a complete copy of the application papers (specification, claims, drawings, oath, etc.) to Mr. LaFaille's address, return receipt requested, along with a cover letter of instructions which includes a deadline or a statement that no response will constitute a refusal. This sort of ultimatum lends support to a finding of refusal by conduct. If the papers are returned and all other attempts to locate or reach the inventor, e.g., through personnel records, co-workers, E-mail, the Internet or the telephone, etc., continue to fail, then applicant will have established that the inventor cannot be reached after diligent effort or has refused to join in the application. **The statements of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein and should be accompanied by documentary evidence in support of the statement of facts.** It is important that the forthcoming communication contain statements of fact as opposed to conclusions.

Additionally, petitioner states "...Stephen R. Lafaille left the employment of American EoThermal, Inc. and cannot be found...Repeated attempts to reach him at his last know phone number went unanswered". However, no evidence has been presented. Thus, Rule 47 applicant must provide evidence that Mr. LaFaille cannot be located.

Where there is an express or oral refusal, that fact, along with the time and place of the refusal, must be stated in an affidavit or declaration by the party to whom the refusal was made. Where there is a written refusal, a copy of the document(s) evidencing that refusal must be made part of the affidavit or declaration.

When it is concluded by the rule 47 applicant that an omitted inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in an affidavit or declaration. If there is documentary evidence to support facts alleged in the affidavit or declaration, such evidence must be submitted.

Whenever an omitted inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the affidavit or declaration.

Rule 47 applicant is given **TWO MONTHS** from the mailing date of this decision to reply, correcting the below-noted deficiencies: Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Any extensions of time will be governed by 37 CFR 1.136(a).

Since the address given in the present petition differs from the address of record, a courtesy copy of this decision is being mailed to the address given in the present petition. Thereafter, all future communications from the Office will be directed solely to the address of record until otherwise instructed.

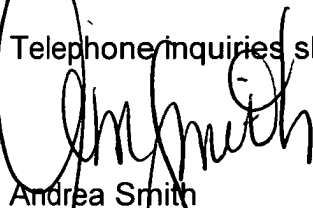
Further correspondence with respect to this matter should be addressed as follows:

By mail:                      Mail Stop PETITIONS  
                                    Commissioner for Patents  
                                    Post Office Box 1450  
                                    Alexandria, VA 22313-1450

By hand:                     Customer Service Window  
                                    Mail Stop Petitions  
                                    Randolph Building  
                                    401 Dulany Street  
                                    Alexandria, VA 22314

By fax:                        (571) 273-8300  
                                    ATTN: Office of Petitions

Telephone inquiries should be directed to the undersigned at (571) 272-3226.

A handwritten signature in black ink, appearing to read "Andrea Smith", is written over the printed name and title of the undersigned.

Andrea Smith  
Petitions Examiner  
Office of Petitions

cc:    Andy Livingston  
       P.O. Box 72  
       Cape Neddick, NE 03902

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Confirmation No.: Unassigned

Rene CARLOS

Art Unit: Unassigned

Application No.: Unassigned

Examiner: Unassigned

Filed: August 17, 2010

Attorney Dkt. No.: 1604.0004

For: A METHOD, SYSTEM AND APPARATUS FOR POWERING A COMPRESSOR  
VIA A DAM

**PETITION UNDER 37 C.F.R. § 1.102(c)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

August 17, 2010

Sir:

This is a Petition requesting that the United States Patent and Trademark Office (USPTO) accord “special” status to the above-referenced application, entitled “A Method, System and Apparatus for Powering a Compressor via a Dam”. Applicant respectfully submits that practical applications of many embodiments disclosed in this application have the potential to enhance the quality of the environment and to contribute to the development and conservation of energy resources in accordance with the USPTO’s Pilot Program for Green Technologies Including Greenhouse Gas Reduction as announced in the Federal Register, 37 C.F.R § 1.102(c) and MPEP §§ 708.02(V) and (VI). 37 C.F.R. § 1.102(c) states that a petition to make special may be filed without fee where the invention will materially “[e]nhance the quality of the environment” or



“[c]ontribute to the development or contribution of energy resources”. Applicant respectfully submits that many embodiments of the present invention facilitate both of these aims.

Some embodiments of the present invention use potential energy from the head of a dam to drive one or more stages of a compressor in a heat engine, such as a gas turbine (see paragraph [0023]). Driving one or more compressor stages of the heat engine reduces consumption of any fuel that may be used, and produces less pollution than conventional systems (see paragraph [0024]). Additionally, many embodiments use natural gas as fuel, which tends to be cleaner than many other fossil fuels, such as coal and petroleum products (see, for example, paragraph [0025]).

Further, due to the powering of one or more stages of the compressor with dam head, the power generated by the heat engine is highly dispatchable (time-variable under active command), which can be a valuable secondary attribute that not all power generation types possess (see paragraph [0024]). The commercial potential of such a system is high since output power is in high demand, especially if dispatchable (see *Id.*).

Thus, many embodiments of the present invention are able to reduce pollution produced by heat engines. Further, many embodiments provide highly dispatchable power that augments the power grid. Hence, many embodiments of the present invention are able to provide a cleaner energy solution, as well as a valuable addition to power generation technology.

Per the above, many embodiments of the present invention both enhance the quality of the environment and contribute to the development or contribution of energy resources. Accordingly, Applicant respectfully requests that the present application be made special under 37 C.F.R. § 1.102(c).

Respectfully submitted,

/Michael A. Leonard II/  
Michael A. Leonard II  
Attorney for Applicant  
Registration No. 60,180

**Leonard, Patel & Olson, P.C.**  
1875 I Street, N.W.  
5<sup>th</sup> Floor  
Washington, DC 20006  
Tel.: 202-429-8434  
Fax: 202-429-9574



# UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/858,311		Rene Carlos	1604.0004	5587
94165	7590	08/25/2010	EXAMINER	
Leonard Patel & Olson PC 19800 MacArthur Blvd. Suite 300 Irvine, CA 92612			ART UNIT	PAPER NUMBER
			3744	
			NOTIFICATION DATE	DELIVERY MODE
			08/25/2010	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

spatel@lpolaw.com  
mleonard@lpolaw.com  
jolson@lpolaw.com



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
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Leonard Patel & Olson PC  
19800 MacArthur Blvd.  
Suite 300  
Irvine CA 92612

AUG 25 2010

In re Application of  
Rene Carlos  
Application No. 12/858,311  
Filed: August 17, 2010  
Attorney ref no.: 1604.0004

:  
:  
: DECISION ON PETITION  
: TO MAKE SPECIAL UNDER  
: THE GREEN TECHNOLOGY  
: PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed August 17, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010).

The petition is **DENIED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009 (see *Requirements* (1) on page 64667 (left column) of the December 8, 2009 Fed. Reg. Notice).

The present application is a nonprovisional application filed under 35 USC 111(a) filed after December 8, 2009. Accordingly, this application is not eligible in the Green Technology Pilot Program.

Telephone inquiries concerning this decision should be directed to Blaine Copenheaver at 571-272-1156.

/Blaine Copenheaver/

---

Blaine Copenheaver  
Quality Assurance Specialist  
Technology Center 1700



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United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
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Paper No.

BRYAN CAVE LLP  
TWO NORTH CENTRAL AVENUE  
SUITE 2200  
PHOENIX AZ 85004

**MAILED**

**JUN 17 2011**

**OFFICE OF PETITIONS**

In re Application of :  
Neu et al. : ON PETITION  
Application No. 12/858,328 :  
Filed: August 17, 2010 :  
Attorney Docket No. 0311660 :

This is in response to the "Request for Correction of  
Typographical Error in Inventor's Name," filed May 6, 2011 (and  
resubmitted May 9, 2011).

The request is granted.

Petitioner states that a typographical error was made in an  
inventor's name in the specification (It was correct in the  
application data sheet). Petitioner requests correction of the  
name from David "Kleemann" to David "Kleeman." Petitioner  
submits a supplemental Application Data Sheet showing this  
correction.

When a typographical or transliteration error in the spelling of  
an inventor's name is discovered during pendency of an  
application, a petition is not required, nor is a new oath  
or declaration under 37 CFR 1.63 needed. All that is required is  
notification to the Office of the error. However, applicants  
are strongly encouraged to use an application data sheet such  
that any patent to issue will reflect the correct spelling of  
the inventor's name. Without an application data sheet with the  
corrected spelling, any patent to issue is less likely to  
reflect the correct spelling since the spelling of the  
inventor's name is taken from the oath or declaration, or any  
subsequently filed application data sheet.

Receipt of the supplemental Application Data Sheet showing the  
correct inventor name is acknowledged. The inventor's name is

Application No. 12/858,328

Page 2

now corrected in the records of the Office. A copy of the corrected filing receipt showing the correction is enclosed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3219.

A handwritten signature in cursive script, appearing to read "Nancy Johnson".

Nancy Johnson  
Senior Petitions Attorney  
Office of Petitions

Enclosure: Corrected Filing Receipt



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
12/858,328	08/17/2010	2833	2274	0311660	30	3

CONFIRMATION NO. 5623

CORRECTED FILING RECEIPT



OC000000048211223

78998  
BRYAN CAVE LLP  
TWO NORTH CENTRAL AVENUE  
SUITE 2200  
PHOENIX, AZ 85004

Date Mailed: 06/15/2011

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

**Applicant(s)**

Thorben Neu, Los Angeles, CA;  
David Kleeman, Marina del Rey, CA;  
Vincent Razo, Los Angeles, CA;

**Assignment For Published Patent Application**

BELKIN INTERNATIONAL, INC., Playa Vista, CA

**Power of Attorney:** None

**Domestic Priority data as claimed by applicant**

This application is a CON of 11/472,111 06/20/2006 PAT 7,803,016

**Foreign Applications** (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see <http://www.uspto.gov> for more information.)

**If Required, Foreign Filing License Granted:** 08/26/2010

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/858,328**

**Projected Publication Date:** Not Applicable

**Non-Publication Request:** No

**Early Publication Request:** No

**Title**

ELECTRONIC ACCESSORY FOR AN MP3 PLAYER, AND METHOD OF PROVIDING THE SAME

**Preliminary Class**

439

**PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES**

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

**LICENSE FOR FOREIGN FILING UNDER****Title 35, United States Code, Section 184****Title 37, Code of Federal Regulations, 5.11 & 5.15****GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as



set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



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STOEL RIVES LLP - PDX  
900 SW FIFTH AVENUE  
SUITE 2600  
PORTLAND, OR 97204-1268

**MAILED**

**DEC 13 2010**

**OFFICE OF PETITIONS**

In re Application of  
Jesper Osterman, et. al.  
Application No. 12/858,349  
Filed: August 17, 2010  
Attorney Docket No. 42994/2:1

:  
:  
: DECISION ON PETITION  
: TO MAKE SPECIAL UNDER  
: 37 CFR 1.102(c)(1)

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 18, 2010, to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

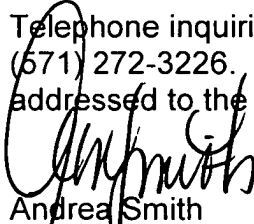
The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes a statement from the attorney of record that one of the inventors is 65 years of age or older. Accordingly, the above-identified application has been accorded "special" status.

This application file is being referred to the Office of Patent Application Processing for further processing in accordance with this decision.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226. All other inquiries concerning the processing of the application should be addressed to the Office of Patent Application Processing at (571) 272-4000.

  
Andrea Smith  
Petitions Examiner  
Office of Petitions



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**CHOATE, HALL & STEWART / CITRIX SYSTEMS, INC.  
TWO INTERNATIONAL PLACE  
BOSTON MA 02110**

**MAILED**

**DEC 06 2010**

In re Application of	:	<b>OFFICE OF PETITIONS</b>
Allen R. Samuels et al.	:	
Application No. 12/858,354	:	<b>DECISION ON PETITION</b>
Filed: August 17, 2010	:	<b>TO WITHDRAW</b>
Attorney Docket No. 2006579-2208/CTX-277USCN2	:	<b>FROM RECORD</b>

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 10, 2010.

The request is **NOT APPROVED**.

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record cannot be approved because the request to change the correspondence address is not that of: (1) the first named inventor; or (2) an assignee of the entire interest under 37 C.F.R. 3.71. If an assignee has ownership in this application, then a current Statement under 37 CFR 3.73(b) or a copy of the actual assignment must be provided with a renewed request.

All future communications from the Office will continue to be directed to the above-identified address until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4618.

/Kimberly Inabinet/

Kimberly Inabinet  
Petitions Examiner  
Office of Petitions



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**GODFREY & KAHN S.C.**  
**780 NORTH WATER STREET**  
**MILWAUKEE WI 53202**

**MAILED**

**OCT 06 2011**

In re Application of	:	OFFICE OF PETITIONS
Todd Duerr	:	
Application No. 12/858,412	:	DECISION ON PETITION
Filed: August 17, 2010	:	
Attorney Docket No. 001252-0002	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 9, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a proper and timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice) mailed August 27, 2010, and the Notice of Incomplete Reply (Nonprovisional) mailed March 8, 2011. The original Notice set a period for reply of two (2) months from the mail date of the Notice. A four-month extension of time under the provisions of 37 CFR 1.136(a) was timely obtained. Accordingly, the application became abandoned on March 1, 2011. A Notice of Abandonment was mailed August 25, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the \$65.00 Surcharge fee (2) the petition fee of \$810.00, and (3) a proper statement of unintentional delay.

Further, it is not apparent whether the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. In accordance with 37 CFR 1.34(a), the signature appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he/she is authorized to represent the particular party in whose behalf he/she acts.

Telephone inquiries concerning this decision should be directed to the undersigned at (571)272-7751.

This application is being referred to the Office of Patent Application Processing for further processing in accordance with this decision on petition.

/Joan Olszewski/  
Joan Olszewski  
Petition Examiner  
Office of Petitions

**CERTIFICATION AND REQUEST  
FOR RELIEF DUE TO EVENTS OF MARCH 11, 2011, IN JAPAN** (Page 1 of 2)

Nonprovisional Application Number or Control Number (if applicable): 12/858,493	Patent Number (if applicable):
First Named Inventor: Kozakai	Title of Invention: BIOPOLAR PLATE FOR FUEL CELL AND FUEL CELL

**APPLICANT/PATENTEE/REEXAMINATION PARTY HEREBY CERTIFIES AND REQUESTS THE  
FOLLOWING FOR THE ABOVE-IDENTIFIED APPLICATION/PATENT/REEXAMINATION PROCEEDING.**

1. FOR PATENT APPLICATIONS AND REEXAMINATION PROCEEDINGS PENDING IN THE USPTO AS OF MARCH 11, 2011, IN WHICH A COMMUNICATION FROM THE USPTO IS SOUGHT TO BE REMAILED:
  - a. One or more inventors, an assignee, or a correspondence address (for the application/proceeding) is in an area of Japan affected by the earthquake and/or tsunami of March 11, 2011.
  - b. A reply or response to an Office action (final, non-final, or other), a notice of allowance, or other Office notice (hereinafter collectively referred to as "Office communication") is outstanding on March 11, 2011.
  - c. The statutory or non-statutory time period set for response has not yet expired.
  - d. Withdrawal and reissuance of the Office communication is requested.
  - e. It is acknowledged that if this request is not made within sufficient time so that withdrawal and reissuance of the Office communication occur prior to expiration of the statutory or non-statutory time period (as permitted to be extended under 37 CFR 1.136(a), or as extended under 37 CFR 1.550(c) or 1.956), this request may not be granted.
  - f. The need for the reissuance of the Office communication was due to the effects of the earthquake and/or tsunami of March 11, 2011.
  - g. This request is being sent via EFS-Web or by mail directed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
2. FOR PATENTEES WHO WERE UNABLE TO TIMELY PAY A PATENT MAINTENANCE FEE DURING THE SIX-MONTH GRACE PERIOD FOLLOWING THE WINDOW TO PAY THE MAINTENANCE FEE:
  - a. The original window of time to pay the maintenance fee without the surcharge required by 37 CFR 1.20(h) expired on or after March 11, 2011.
  - b. The delay in paying the fee was due to the effects of the earthquake and/or tsunami of March 11, 2011.
  - c. The USPTO is requested to *sua sponte* waive the surcharge in 37 CFR 1.20(h) for paying a maintenance fee during the six-month grace period following the window to pay the maintenance fee.
  - d. This request and payment of the maintenance fee during the six-month grace period following the window to pay the maintenance fee is being mailed to: Director of the United States Patent and Trademark Office, Attn: Maintenance Fee, 2051 Jamieson Avenue, Suite 300, Alexandria, VA 22314; or being transmitted via facsimile to: 571-273-6500.

**CERTIFICATION AND REQUEST  
FOR RELIEF DUE TO EVENTS OF MARCH 11, 2011, IN JAPAN** (Page 2 of 2)

3. FOR PATENTEES WHO NEED TO FILE A PETITION TO ACCEPT A DELAYED MAINTENANCE FEE PAYMENT UNDER 37 CFR 1.378(c):
- The maintenance fee payment was required to have been paid after March 10, 2011.
  - A petition under 37 CFR 1.378(c) (using USPTO form PTO/SB/66 – Petition to Accept Unintentionally Delayed Payment of Maintenance Fee in an Expired Patent (37 CFR 1.378(c))) is being promptly filed accompanied by the applicable maintenance fee payment (but not the surcharge under 37 CFR 1.20(i)).
  - The delay in payment of the maintenance fee was due to the effects of the earthquake and/or tsunami of March 11, 2011.
  - The USPTO is requested to *sua sponte* waive the surcharge in 37 CFR 1.20(i) for accepting a delayed maintenance fee payment.
  - It is acknowledged that the petition to accept a delayed maintenance fee payment under 37 CFR 1.378(c) must be filed by March 11, 2012, in order to be entitled to a waiver of the surcharge under 37 CFR 1.20(i).
  - It is acknowledged that the petition to accept a delayed maintenance fee payment under 37 CFR 1.378(c) must be filed within twenty-four months from the expiration date of the patent. See 35 U.S.C 41(c).
  - This request and the petition to accept a delayed maintenance fee payment under 37 CFR 1.378(c) is being submitted via EFS-Web or by mail directed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
4. FOR NONPROVISIONAL PATENT APPLICATIONS FILED WITHOUT AN EXECUTED OATH OR DECLARATION OR PAYMENT OF THE BASIC FILING FEE, SEARCH FEE, AND/OR EXAMINATION FEE:
- The nonprovisional patent application was filed on or after March 11, 2011, and prior to April 12, 2011.
  - The late filing of the oath or declaration or the basic filing fee, search fee, or examination fee was due to the effects of the earthquake and/or tsunami of March 11, 2011.
  - The USPTO is requested to *sua sponte* waive the surcharge set forth in 37 CFR 1.16(f) for the late filing of the oath or declaration or basic filing fee, search fee, and/or examination fee.
  - This request, together with the executed oath or declaration or the basic filing fee, search fee, or examination fee, as well as the reply to the Notice to File Missing Parts, is being submitted via EFS-Web or by mail directed to Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Signature <u>/Alan E. Schiavelli/</u>	Date <u>5/11/11</u>
Name (Print/Typed) <u>Alan E. Schiavelli</u>	Practitioner Registration Number <u>32,087</u>
<b>Note:</b> Signatures of all the inventors, § 1.41(b) applicants, or assignees of record of the entire interest or their representative(s), or reexamination requesters at the appeal stage are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.	
<input type="checkbox"/> *Total of _____ forms are submitted.	

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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Alexandria, VA 22313-1450  
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**ANTONELLI, TERRY, STOUT & KRAUS, LLP**  
**1300 NORTH SEVENTEENTH STREET**  
**SUITE 1800**  
**ARLINGTON VA 22209-3873**

**MAILED**

**MAY 16 2011**

**OFFICE OF PETITIONS**

In re Application of :  
Kozakai et al. :  
Application No. 12/858,493 : **DECISION ON PETITION**  
Filed: August 18, 2010 :  
Attorney Docket No. 520.51011X00 :

This is a decision on the request filed May 11, 2011, seeking relief under the provisions of "Relief Available to Patent and Trademark Applicants, Patentees and Trademark Owners Affected by the Catastrophic Events of March 11, 2011 in Japan," 1365 Off. Gaz. Pat. Office 170 (April 19, 2011).

The request for relief is **GRANTED**.

In the above-identified application, an Office action was mailed on January 28, 2011. The instant petition was filed prior to the expiration of the period for reply and the certifications for granting of relief are considered to be met by the submission of the request.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-7751. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

This application is being referred to the Technology Center, Art Unit 1728 for re-mailing the Office action of January 28, 2011. The period for reply will run from the mailing date of the Office action.

/Joan Olszewski/  
Joan Olszewski  
Petitions Examiner  
Office of Petitions





## UNITED STATES PATENT AND TRADEMARK OFFICE

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Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Decision Date : September 14,2011

In re Application of :

Motoshi Ono

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12858577

Filed : 18-Aug-2010

Attorney Docket No : 365895US0CONT

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed September 14,2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

**Petitioner is advised that the issue fee paid in this application cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.**

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being referred to Technology Center AU 1721 for processing of the request for continuing examination under 37 CFR 1.114.

Office of Petitions

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/140 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	<b>PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)</b>	
Application Number	12858577	
Filing Date	18-Aug-2010	
First Named Inventor	Motoshi Ono	
Art Unit	1721	
Examiner Name	STEPHEN ROSASCO	
Attorney Docket Number	365895US0CONT	
Title	OPTICAL COMPONENT FOR EUVL AND SMOOTHING METHOD THEREOF	
<p>An application may be withdrawn from issue for further action upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary.</p> <p>APPLICANT HEREBY PETITIONS TO WITHDRAW THIS APPLICATION FROM ISSUE UNDER 37 CFR 1.313(c).</p> <p>A grantable petition requires the following items:  (1) Petition fee; and  (2) One of the following reasons:  (a) Unpatentability of one or more claims, which must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;  (b) Consideration of a request for continued examination in compliance with § 1.114 (for a utility or plant application only); or  (c) Express abandonment of the application. Such express abandonment may be in favor of a continuing application, but not a CPA under 37 CFR 1.53(d).</p>		
<b>Petition Fee</b>  <input type="checkbox"/> Applicant claims SMALL ENTITY status. See 37 CFR 1.27.  <input type="checkbox"/> Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).  <input type="checkbox"/> Applicant(s) status remains as SMALL ENTITY.  <input checked="" type="checkbox"/> Applicant(s) status remains as other than SMALL ENTITY		
Reason for withdrawal from issue		

- ☐ One or more claims are unpatentable
- ☒ Consideration of a request for continued examination (RCE) (List of Required Documents and Fees)
- ☐ Applicant hereby expressly abandons the instant application (any attorney/agent signing for this reason must have power of attorney pursuant to 37 CFR 1.32(b)).

RCE request, submission, and fee.

- ☐ I certify, in accordance with 37 CFR 1.4(d)(4) that:
- ☐ The RCE request, submission, and fee have already been filed in the above-identified application on
- ☒ Are attached.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- ☐ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- ☐ A sole inventor
- ☐ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors
- ☐ A joint inventor; all of whom are signing this e-petition
- ☐ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Signature	/Benjamin A. Vastine/
Name	Benjamin A. Vastine, Ph.D.
Registration Number	64422



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/858,654	08/18/2010	Masato Arai	MNL-2018-2575	6328
7590 09/21/2011 NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203			EXAMINER TIETJEN, MARINA ANNETTE	
			ART UNIT	PAPER NUMBER
			3753	
			MAIL DATE	DELIVERY MODE
			09/21/2011	PAPER

## DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

*The declaration of express abandonment is recognized*

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

*Nomi Sarnes*  
Patent Publication Branch  
Office of Data Management



# UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/858,667	08/18/2010	Matthew W. Davis	MPC0263USD2	6354

23413	7590	09/03/2010
CANTOR COLBURN, LLP		
20 Church Street		
22nd Floor		
Hartford, CT 06103		

EXAMINER	
----------	--

ART UNIT	PAPER NUMBER
1628	

NOTIFICATION DATE	DELIVERY MODE
09/03/2010	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

usptopatentmail@cantorcolburn.com



UNITED STATES PATENT AND TRADEMARK OFFICE

SEP 03 2010

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

CANTOR COLBURN, LLP  
20 Church Street  
22nd Floor  
Hartford CT 06103

In re Application of:  
Matthew W. Davis

Serial No.: 12/858,667

Filed: August 18, 2010

Docket No.: **MPC0263USD2**

DECISION ON PETITION TO  
MAKE SPECIAL FOR NEW  
APPLICATION UNDER 37  
C.F.R. § 1.102 & M.P.E.P. §  
708.02

Title: **METHODS FOR CONCOMITANT  
ADMINISTRATION OF COLCHICINE  
AND A SECOND ACTIVE AGENT**

This is a decision on the petition filed on August 18, 2010 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is GRANTED.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.
2. Restriction Practice:  
If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the

examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:

If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:

An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:

A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):

Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:

To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:

To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:

If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:

The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to Marianne C. Seidel, Quality Assurance Specialist, at (571) 272-0584.

/Marianne C. Seidel/  
Marianne C. Seidel, Quality Assurance Specialist  
Technology Center 1600



# REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO

Application No:	12/858,688	Filing date:	August 18, 2010
First Named Inventor:	David C. Heidenreich		

Title of the  
Invention: Wind Turbine Torque Limiting Clutch System

**THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT [HTTP://WWW.USPTO.GOV/EBS/EF5\\_HELP.HTML](http://www.uspto.gov/ebs/efs_help.html)**

**APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.**

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT  
application number(s) is/are: PCT/US2011/025213

The international filing date of the corresponding  
PCT application(s) is/are: February 17, 2011

## I. List of Required Documents:

- a. A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)

☒

Is attached

☐

Is not attached because the document is already in the U.S. application.

- b. A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).

☒

Is attached.

☐

Is not attached because the document is already in the U.S. application.

- c. English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO

(continued)

Application No.:	12/858,688
First Named Inventor:	David C. Heidenreich

- d. (1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.

☒ Is attached

☐ Has already been filed in the above-identified U.S. application on \_\_\_\_\_

- (2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)**

☒ Are attached.

☐ Have already been filed in the above-identified U.S. application on \_\_\_\_\_

## II. Claims Correspondence Table:

[illegible]

**III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.**

Signature <u>/marklweber/</u>	Date <u>November 23, 2011</u>
Name (Print/Typed) <u>Mark L Weber</u>	Registration Number <u>46069</u>

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant ( *i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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P.O. Box 1450  
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RENNER, KENNER, GREIVE, BOBAK, TAYLOR & WEBER  
FIRST NATIONAL TOWER, SUITE 400  
106 SOUTH MAIN STREET  
AKRON, OH 44308-1412

**MAILED**

DEC 14 2011

OFFICE OF PETITIONS

In re Application of  
David C. Heidenreich et al.  
Application No.: 12/858,688  
Filed: August 18, 2010  
Attorney Docket No.: PTT.P.35  
For: Wind Turbine Torque Limiting  
Clutch System

: DECISION ON REQUEST TO  
: PARTICIPATE IN THE PATENT  
: PROSECUTION HIGHWAY  
: PROGRAM AND PETITION  
: TO MAKE SPECIAL UNDER  
: 37 CFR 1.102(a)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed on November 23, 2011, to make the above-identified application special.

The request and petition are **DISMISSED**.

**Discussion**

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

- (1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, IP AU, Russia, Spain, Finland, Austria, or USPTO;
- (2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;
- (3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;
- (4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);
- (5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof.

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

(8) Applicant is required to submit a claims correspondence table in English which indicates how all the claims in the U.S. application correspond to the claims indicated as having novelty, inventive step and industrial applicability in the latest international work product.

Requirements (1) and (3-8) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fail to meet requirements (2).

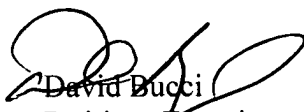
Regarding the requirement of condition (2), applicant has failed to identify and explain why the claims are not subject to the observation in Box VIII of the Written Opinion (PCT/ISA/237).

Applicant is given **ONE** opportunity within a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be filed via the Electronic Filing System (EFS) using the document description: Petition to make special under PCT – Patent Pros Hwy. Any preliminary amendments and IDS submitted with the PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

Telephone inquiries concerning this decision should be directed to Joanne Hama at (571) 272-2911 or in her absence, the undersigned at (571) 272-7099.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.

  
David Bucci  
Petitions Examiner  
Office of Petitions



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**FINNEGAN, HENDERSON, FARABOW, GARRETT  
& DUNNER LLP**  
901 NEW YORK AVENUE, NW  
WASHINGTON DC 20001-4413

**MAILED**

**DEC 20 2010**

**OFFICE OF PETITIONS**

In re Application of	:	
<b>JOYNT</b> , Vernon P. et al.	:	
Application No. 12/858,710	:	DECISION ON PETITION
Filed: August 18, 2010	:	TO MAKE SPECIAL UNDER
Attorney Docket No. <b>10036.0043-00000</b>	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed December 02, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement by Vernon P. Joynt attesting that he is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4231.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 1747 for action on the merits commensurate with this decision.

Michelle R. Eason  
Paralegal Specialist  
Office of Petitions

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: Bharat Sampathkumaran )  
BAGEPALLI )  
Confirmation No.: 6460 )  
Serial No.: 12/858,716 )  
Filing Date: August 18, 2010 )  
Atty Docket No.: 244542-1 )

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Statement Concerning the Basis for the Special Status**

SIR:

Applicant respectfully submits that Special Status is sought on the basis that the present invention materially contributes to the development of renewable energy resources or energy conservation.

The undersigned attorney may be contacted at the number below to facilitate the resolution of any matters. Please charge any fees that are incurred in connection with this Statement to deposit account no. 09-0470.

Respectfully submitted,

General Electric Company

By : /Douglas D. Zhang/  
Douglas D. Zhang  
Reg. No. 37,985

Dated: December 22, 2010

GE Global Patent Operation  
2 Corporate Drive, Suite 648  
Shelton, CT 06484  
203-944-6755

Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (11-10)

Approved for use through 01/31/2011. OMB 0651-0062

U.S. Patent and Trademark Office: U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: 244542-1	Application Number (if known): 12/858,716	Filing date: August 18, 2010
----------------------------------	---	------------------------------

First Named Inventor: Bharat Sampathkumaran BAGEPALLI

Title: TOWER WITH ADAPTER SECTION

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

**Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.**

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: Statement Concerning the Basis for the Special Status

Signature /Douglas D. Zhang/

Date December 22, 2010

Name Douglas D. Zhang  
(Print/Typed)

Registration Number 37,985

**Note:** Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below\*.

☐ \*Total of \_\_\_\_\_ forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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JAN 10 2011

GE ENERGY GENERAL ELECTRIC  
C/O ERNEST G. CUSICK  
ONE RIVER ROAD, BLD. 43, ROOM 225  
SCHENECTADY NY 12345

In re Application of	:	
Bharat BAGEPALLI	:	DECISION ON PETITION
Application No. 12/858,716	:	TO MAKE SPECIAL UNDER
Filed: September 27, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 24452	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed December 29, 2010 to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the

Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

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The petition lacks item(s) 4.

In regard to item 4, petitioners should note that the instant petition includes a statement identifying the basis for the special status (*The present invention materially contributes to (1) development of renewable energy resources or energy conservation, or (2) greenhouse gas reduction.*) as required by sections II and III of the notice. However, as stated in the notice, applicant must also provide a statement pertaining to the materiality standard if the application disclosure is not clear on its face as to the materiality of the basis for the special status of the invention. It is unclear how the claimed tower materially contributes to the development of renewable energy resources or energy conservation since the tower is merely a supporting structure which plays no role in the operation of the turbine to convert kinetic energy from the wind into mechanical energy to produce electricity. As stated in the notice, the materiality standard does not permit an applicant to speculate as to how a hypothetical end-user might specially apply the invention in a manner than could materially contribute to category (A) or (B). *Also see MPEP § 708.02 (VI)*. Accordingly, it is unclear as to how the claimed invention would materially contribute to category (B), and it is not agreed that the application on its face meets that materiality standard.

Any reconsideration of this decision should be submitted through the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen.

Telephone inquiries concerning this decision should be directed to Lanna Mai at 571-272-6867.

The application is being forwarded to the Technology Center Art Unit 3633 for action in its regular turn.

/Lanna Mai/

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Lanna Mai  
Quality Assurance Specialist  
Technology Center 3600

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: Bharat Sampathkumaran )  
BAGEPALLI )  
Confirmation No.: 6460 )  
Serial No.: 12/858,716 )  
Filing Date: August 18, 2010 )  
Atty Docket No.: 244542-1 )

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Request for Reconsideration

SIR:

This is responsive to the Decision on Petition, dated as mailed 10 January 2011, in the above-referenced application.

Applicant respectfully requests reconsideration of Applicant's Petition to Make Special on the basis that the present invention materially contributes to the development of renewable energy resources or energy conservation.

Applicant respectfully submits that the present invention is directed to wind turbine towers having an adapter between steel and concrete sections. Provided in the embodiments disclosed herein is a tower is having a foundation, at least one concrete tower section located above the foundation and one or more upper tower sections. An adapter section is located between the at least one concrete tower section and one of the upper tower sections. The adapter section is connected to one of the upper tower sections by a fastening system and to the foundation by a plurality of tensioning cables. The plurality of tensioning cables are configured to induce a compressive force on the concrete tower section. The

fastening system and the tensioning cables are substantially vertically aligned so that tower loads are transmitted from the one or more upper tower sections to the plurality of tensioning cables. One advantage provided by the present invention is the reduction of the effective moment-arm on the tower section. By positioning the tensioning cables close to and on both sides (i.e., internal and external) of the concrete section the tower reduces its effective moment-arm to provide resistance to wind loads. The present invention provides additional tower stability and allows for higher hub heights and larger towers. This enables the wind turbine's rotor to exist in higher mean wind speed areas and results in increased energy production. Thus the present invention materially contributes to the development of renewable energy.

The undersigned attorney may be contacted at the number below to facilitate the resolution of any matters. Please charge any fees that are incurred in connection with this Statement to deposit account no. 09-0470.

Respectfully submitted,

General Electric Company

By : /Douglas D. Zhang/  
Douglas D. Zhang  
Reg. No. 37,985

Dated: February 5, 2011

GE Global Patent Operation  
2 Corporate Drive, Suite 648  
Shelton, CT 06484  
203-944-6755



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/858,716	08/18/2010	Bharat Sampathkumaran Bagepalli	244542-1	6460
7788 7590 02/17/2011 GE ENERGY GENERAL ELECTRIC C/O ERNEST G. CUSICK ONE RIVER ROAD, BLD. 43, ROOM 225 SCHENECTADY, NY 12345			EXAMINER	
			ART UNIT	PAPER NUMBER
			3633	
			MAIL DATE	DELIVERY MODE
			02/17/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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FEB 17 2011

GE ENERGY GENERAL ELECTRIC  
C/O ERNEST G. CUSICK  
ONE RIVER ROAD, BLD. 43, ROOM 225  
SCHENECTADY NY 12345

In re Application of	:	
Bharat BAGEPALLI	:	DECISION ON PETITION
Application No. 12/858,716	:	TO MAKE SPECIAL UNDER
Filed: September 27, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 244542-1	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed February 8, 2011 to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **DENIED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The petition lacks item(s) 4.

In regard to item 4, petitioners argue that "one advantage provided by the present invention is the reduction of the effective moment-arm on the tower section... The present invention provides additional tower stability and allows for higher hub heights and larger towers." Petitioner's arguments are not persuasive. The claimed tower does not materially contribute to the development of renewable energy resources or energy conservation since the tower is merely a supporting structure which plays no role in the operation of the turbine to convert kinetic energy from the wind into mechanical energy to produce electricity. As stated in the notice, the materiality standard does not permit an applicant to speculate as to how a hypothetical end-user might specially apply the invention in a manner than could materially contribute to category (A) or (B). *Also see MPEP § 708.02 (VI)*. Accordingly, it is not agreed that the application on its face meets that materiality standard.

Telephone inquiries concerning this decision should be directed to Lanna Mai at 571-272-6867.

The application is being forwarded to the Technology Center Art Unit 3633 for action in its regular turn.

/Lanna Mai/

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Lanna Mai  
Quality Assurance Specialist  
Technology Center 3600





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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/858,754	08/18/2010	Matthew W. Davis	MPC0263USD	6543
23413 7590 09/03/2010 CANTOR COLBURN, LLP 20 Church Street 22nd Floor Hartford, CT 06103				
EXAMINER				
ART UNIT PAPER NUMBER				
1628				
NOTIFICATION DATE DELIVERY MODE				
09/03/2010 ELECTRONIC				

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

usptopatentmail@cantorcolburn.com



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SEP 03 2010

CANTOR COLBURN, LLP  
20 Church Street  
22nd Floor  
Hartford CT 06103

In re Application of:  
Matthew W. Davis

Serial No.: 12/858,754

Filed: August 18, 2010

Docket No.: **MPC0263USD**

DECISION ON PETITION TO  
MAKE SPECIAL FOR NEW  
APPLICATION UNDER 37  
C.F.R. § 1.102 & M.P.E.P. §  
708.02

Title: **METHODS FOR CONCOMITANT  
ADMINISTRATION OF COLCHICINE  
AND A SECOND ACTIVE AGENT**

This is a decision on the petition filed on August 18, 2010 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is GRANTED.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.
2. Restriction Practice:  
If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the

examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:

If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:

An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:

A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):

Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:

To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:

To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:

If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:

The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to Marianne C. Seidel, Quality Assurance Specialist, at (571) 272-0584.

/Marianne C. Seidel/  
Marianne C. Seidel, Quality Assurance Specialist  
Technology Center 1600



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THE ECLIPSE GROUP LLP  
6345 BALBOA BLVD., SUITE 325  
ENCINO CA 91316

**MAILED**

**AUG 30 2011**

**OFFICE OF PETITIONS**

In re Application of :  
Ulrich Horbach et al. :  
Application No. 12/858,791 :  
Filed: August 18, 2010 :  
Attorney Docket No: HI10009CIP (P10052USP) :

**ON PETITION**

This is a decision on the petition filed August 19, 2011 under 37 CFR 1.137(b)<sup>1</sup>, to revive the above-identified application.

The petition is **GRANTED**.

The instant application became abandoned on November 2, 2010, for failure to timely reply to the Notice to File Missing Parts, mailed August 31, 2010, which set a two (2) month shortened statutory period for reply. No extensions of the time for reply in accordance with 37 CFR 1.136(a) were obtained. Accordingly, a Notice of Abandonment was mailed May 13, 2011.

The filing of the response to the Notice to File Missing Parts mailed August 31, 2010 is acknowledged.

All other requirements having been met, this matter is being referred to the Office of Patent Application Processing for further pre-examination processing.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball  
Senior Petitions Attorney  
Office of Petitions

<sup>1</sup> A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional utility or plant application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Director may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).



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Paper No.

**MAILED**

**JUN 30 2011**

**OFFICE OF PETITIONS**

Nelson Mullins Riley & Scarborough LLP  
IP Department  
100 North Tryon Street  
42nd Floor  
Charlotte NC 28202-4000

In re Application of	:	
Bolt et al.	:	DECISION ON PETITION
Application No. 12/858,802	:	PURSUANT TO
Filed: August 18, 2010	:	37 C.F.R. § 1.181(A)
Attorney Docket Number:	:	
27213/09072	:	
Title: METHOD FOR ADJUSTING AIR	:	
TO LIQUID RATIO IN VAPOR	:	
RECOVERY SYSTEM	:	

This is a decision on the petition filed May 25, 2011, pursuant to 37 C.F.R. § 1.181, requesting that the holding of abandonment in the above-identified application be withdrawn.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Missing Parts (first notice), mailed September 1, 2010, which set a shortened statutory period for reply of two months. A fully-executed declaration along with the surcharge that is associated with the late submission of the same was received on January 28, 2011 along with a two-month extension of time (a three-month extension of time was required in order to make timely the submission). A Notice of Incomplete reply (second notice) was mailed on March 28, 2011 which indicated that an appropriate extension of time would be required. On March 30, 2011, Applicant submitted a request for a four-month extension of time (a five-month extension of time was required). Accordingly, the above-identified application became abandoned on November 2, 2010. A notice of abandonment was mailed on May 12, 2011.

With the present petition, Petitioner has argued that the four-month extension of time was appropriate.

Petitioner's assertion is inaccurate, since a four-month extension of time would have extended the period for response out to March 1, 2010, which is prevenient to the March 30, 2011 request for an extension of time.

However, it is noted that the March 30, 2011 request for an extension of time contains an authorization to charge any fee deficiencies to Deposit Account No. 50-1196. Office records show that this Deposit Account contained sufficient funds on March 30, 2011, and that the individual who made this request is an authorized user of this Deposit Account.

Accordingly, the petition under 37 C.F.R. § 1.181(a) is GRANTED to the extent that the holding of abandonment is WITHDRAWN.

The \$490 that was received on January 28, 2011 and the \$1240 that was received on March 30, 2011 will each be refunded to Petitioner's credit card (these two fees total \$1730, the fee that is associated with a four-month extension of time), and a five-month extension of time (\$2,350) will be charged to Deposit Account No. 50-1196 in due course so as to make timely the submission of March 30, 2011, as authorized on the request for an extension of time that was submitted on March 30, 2011.

The Office of Patent Application Processing (OPAP) will be notified of this decision, and jurisdiction over the application is transferred to OPAP, so that the application may receive further processing.

Petitioner will receive appropriate notifications regarding the fees owed, if any, and other information in due course from OPAP.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the present decision to ensure that the withdrawal of the holding of abandonment has been acknowledged by OPAP in response to this decision. It is noted that all inquiries with regard to any failure of that change in status should be directed to OPAP where that change of status must be effected - **the Office of Petitions cannot effectuate a change of status.**

The general phone number for OPAP is 571-272-4000. Telephone

Decision on Petition pursuant to 37 C.F.R. § 1.181

inquiries **regarding this decision** should be directed to the undersigned at (571) 272-3225.<sup>1</sup>

/Paul Shanowski/  
Paul Shanowski  
Senior Attorney  
Office of Petitions

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<sup>1</sup> Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.



**REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY – PATENT  
PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN  
THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO**

Application No.:	12/858805	First Named Inventor:	Peter E. M. Aerts, et al.
Filing Date:	August 18, 2010	Attorney Docket No.:	67796-US-NP
Title of the Invention:	FILTRATION MODULE INCLUDING MEMBRANE SHEET WITH CAPILLARY CHANNELS		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT [HTTP://WWW.USPTO.GOV/EBS/DFS\\_HELP.HTML](http://www.uspto.gov/ebs/efs_help.html).

**APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PILOT PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PILOT PROGRAM.**

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/US2010/045860

The international filing date of the corresponding PCT application(s) is/are: August 18, 2010

**I. List of Required Documents:**

- a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)**
  - ☒ is attached.
  - ☐ is not attached because the document is already in the U.S. application.
- b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s)**
  - ☒ is attached.
  - ☐ is not attached because the document is already in the U.S. application.
- c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**
- d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**
  - ☐ is attached.
  - ☒ has already been filed in the above-identified U.S. application on December 29, 2010
- (2) Copies of all documents (except for U.S. patents or U.S. patent application publications)**
  - ☐ are attached.
  - ☒ have already been filed in the above-identified U.S. application on December 29, 2010

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO

(continued)

Application No.:	12/858805	First Named Inventor:	Peter E. M. Aerts, et al.
------------------	-----------	-----------------------	---------------------------

## II. Claims Correspondence Table:

[illegible]

**III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.**

Signature <b>/Edward W. Black/</b>	Date <b>February 20, 2012</b>
Name (Print/Typed) <b>Edward W. Black</b>	Registration Number <b>36454</b>

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

## PCT

To:

The Dow Chemical Company  
Intellectual Property Section  
P.O.BOX 1967  
Midland MI 48641-1967  
ETATS-UNIS D'AMERIQUE

NOTIFICATION OF TRANSMITTAL OF  
THE INTERNATIONAL PRELIMINARY  
REPORT ON PATENTABILITY  
(PCT Rule 71.1)

REVIEWED

SEP 28 2011

*Black*

By: *[Signature]*

Date of mailing  
(day/month/year)

19.09.2011

Applicant's or agent's file reference  
67796-WO-PCT *no*

**IMPORTANT NOTIFICATION**

International application No.  
PCT/US2010/045860

International filing date (day/month/year)  
18.08.2010

Priority date (day/month/year)  
28.08.2009

Applicant  
Dow Global Technologies LLC

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary report on patentability and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.

#### 4. REMINDER

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary report on patentability. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

The applicant's attention is drawn to Article 33(5), which provides that the criteria of novelty, inventive step and industrial applicability described in Article 33(2) to (4) merely serve the purposes of international preliminary examination and that "any Contracting State may apply additional or different criteria for the purposes of deciding whether, in that State, the claimed inventions is patentable or not" (see also Article 27(5)). Such additional criteria may relate, for example, to exemptions from patentability, requirements for enabling disclosure, clarity and support for the claims.

RECEIVED

SEP 26 2011

Name and mailing address of the international preliminary examining authority:



European Patent Office P.B. 5818 Patentlaan 2  
NL-2280 HV Rijswijk - Pays Bas  
Tel. +31 70 340 - 2040  
Fax: +31 70 340 - 3016

Authorized Officer

Atashi, Shara

Tel. +31 70 340-9161

DOCKETING MAIL ROOM




# PATENT COOPERATION TREATY

# PCT

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference <b>67796-WO-PCT</b>	<b>FOR FURTHER ACTION</b>		See Form PCT/PEA/416
International application No. <b>PCT/US2010/045860</b>	International filing date (day/month/year) <b>18.08.2010</b>	Priority date (day/month/year) <b>28.08.2009</b>	
International Patent Classification (IPC) or national classification and IPC <b>INV. B01D61/18</b>			
Applicant <b>Dow Global Technologies LLC</b>			
1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36. 2. This REPORT consists of a total of <u>5</u> sheets, including this cover sheet. 3. This report is also accompanied by ANNEXES, comprising: a. <input checked="" type="checkbox"/> (sent to the applicant and to the International Bureau) a total of <u>4</u> sheets, as follows: <input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and/or sheets containing rectifications authorized by this Authority, unless those sheets were superseded or cancelled, and any accompanying letters (see Rules 46.5, 66.8, 70.16, 91.2, and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets containing rectifications, where the decision was made by this Authority not to take them into account because they were not authorized by or notified to this Authority at the time when this Authority began to draw up this report, and any accompanying letters (Rules 66.4bis, 70.2(e), 70.16 and 91.2). <input type="checkbox"/> superseded sheets and any accompanying letters, where this Authority either considers that the superseding sheets contain an amendment that goes beyond the disclosure in the international application as filed, or the superseding sheets were not accompanied by a letter indicating the basis for the amendments in the application as filed, as indicated in item 4 of Box No. I and the Supplemental Box (see Rule 70.16(b)). b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see paragraph 3bis of Annex C of the Administrative Instructions).			
4. This report contains indications relating to the following items: <input checked="" type="checkbox"/> Box No. I      Basis of the report <input type="checkbox"/> Box No. II     Priority <input type="checkbox"/> Box No. III    Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV     Lack of unity of invention <input checked="" type="checkbox"/> Box No. V      Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI     Certain documents cited <input type="checkbox"/> Box No. VII    Certain defects in the international application <input type="checkbox"/> Box No. VIII   Certain observations on the international application			
Date of submission of the demand  <b>14.01.2011</b>		Date of completion of this report  <b>19.09.2011</b>	
Name and mailing address of the international preliminary examining authority:   European Patent Office P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Fax: +31 70 340 - 3016		Authorized officer  <b>Veríssimo, Sónia</b>  Telephone No. +31 70 340-9893	



**INTERNATIONAL PRELIMINARY REPORT  
ON PATENTABILITY**

International application No.  
PCT/US2010/045860

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**Box No. I Basis of the report**

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1. With regard to the **language**, this report is based on
- ☒ the international application in the language in which it was filed
  - ☐ a translation of the international application into , which is the language of a translation furnished for the purposes of:
    - ☐ international search (under Rules 12.3(a) and 23.1(b))
    - ☐ publication of the international application (under Rule 12.4(a))
    - ☐ international preliminary examination (under Rules 55.2(a) and/or 55.3(a) and (b))
2. With regard to the **elements\*** of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

**Description, Pages**

1-11 as originally filed

**Claims, Numbers**

1-10 filed with the letter of 14-01-2011

**Drawings, Sheets**

1/4-4/4 as originally filed

- ☐ a sequence listing - see Supplemental Box Relating to Sequence Listing.
3. ☒ The amendments have resulted in the cancellation of:
- ☐ the description, pages
  - ☒ the claims, Nos. 1-10
  - ☐ the drawings, sheets/figs
  - ☐ the sequence listing (*specify*):
  - ☐ any table(s) related to sequence listing (*specify*):
4. ☒ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since either they are considered to go beyond the disclosure as filed, or they were not accompanied by a letter indicating the basis for the amendments in the application as filed, as indicated in the Supplemental Box (Rules 70.2(c) and (c-bis)):
- ☐ the description, pages
  - ☒ the claims, Nos. 1 (part)
  - ☐ the drawings, sheets/figs
  - ☐ the sequence listing (*specify*):
5. ☐ This report has been established:
- ☐ taking into account the rectification of an obvious mistake authorized by or notified to this Authority under Rule 91 (Rules 66.1(d-bis) and 70.2(e)).
  - ☐ without taking into account the rectification of an obvious mistake authorized by or notified to this Authority under Rule 91(Rules 66.4bis and 70.2(e)).

**INTERNATIONAL PRELIMINARY REPORT  
ON PATENTABILITY**

International application No.  
PCT/US2010/045860

6. ☐ Supplementary international search report(s) from Authority(ies) has/have been received and taken into account in establishing this report (Rule 45bis.8(b) and (c)).

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**Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

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1. Statement

Novelty (N)	Yes: Claims	<u>1-10</u>
	No: Claims	
Inventive step (IS)	Yes: Claims	<u>1-10</u>
	No: Claims	
Industrial applicability (IA)	Yes: Claims	<u>1-10</u>
	No: Claims	

2. Citations and explanations (Rule 70.7):

see separate sheet

**Re Item I**

The amendment filed with the letter dated 14.01.2011 introduces subject-matter which extends beyond the content of the application as filed, contrary to Article 34(2)(b) PCT. The amendment concerned is the following: "A liquid filtration module". The original application comprises basis only for separating solids from liquids (page 1, lines 10-11). In this report, this amendment was not considered.

**Re Item V**

- 1 The opinion concerning novelty and inventive step took in consideration the observations made in Re Item I and VIII.
- 2 INVENTIVE STEP
  - 2.1 The document D3 is regarded as being the closest prior art to the subject-matter of claim 1, and discloses (the references in parentheses applying to this document):
    - 2.1.1 A filtration module for separation of solids from liquids (cl. 10) comprising:
      - at least one header ("buis", "plate and frame", p. 4, line 31-p. 5, line 12) and a polymeric membrane sheet (cl. 2) comprising:
        - a first and second opposing outer surface bordered by an opposing top and bottom edge and an opposing first and second lateral edge ("vel", cl. 1),
        - a plurality of parallel capillary channels positioned between the first and second outer surfaces and extending between two opposing edges of the sheet (cl. 1, 4), and
        - a bulk section comprising a porous polymeric structure (cl. 2) which provides selective fluid communication between the first and second outer surfaces and the capillary channels ("semipermeabel materiaal"), and which has a bulk tensile strength, wherein:



the header is disposed along an edge of the membrane sheet and is in fluid communication with the capillary channels (p. 4, line 31-p. 5, line 12) .

- 2.1.2 The subject-matter of claim 1 therefore differs from this known D3 in that at least one of the edges of the membrane sheet extending parallel to the capillary channels has a tensile strength at least twice as great as the bulk tensile strength.
- 2.1.3 The effect of the difference is a higher strength of the membrane sheet and thus of the module (p. 7, lines 16-17).
- 2.1.4 The problem to be solved by the present invention may therefore be regarded as how to provide a module with higher strength of the membrane sheet.
- 2.1.5 The solution proposed in claim 1 of the present application can be considered as involving an inventive step (Article 33(3) PCT) because none of the other prior art documents related to liquid filtration disclose such a feature (D2-D3). The documents that disclose reinforcing structures to add stability to filtration modules (see D1, paragraphs [0049]-[0051] or D4, paragraph [0026]) relate to the filtration of gases and thus would not be considered by the person skilled in the art.
- 2.1.6 Dependent claims 1-10 are for the same reasons also considered inventive over the available prior art.
- 2.1.7 Consequently, the present application does meet the criteria of Article 33(1) PCT, because the subject-matter of claims 1-10 does involve an inventive step in the sense of Article 33(3) PCT.

### 3 INDUSTRIAL APPLICABILITY

- 3.1 All claims have industrial applicability.

67796-WO-PCT

**IN THE EUROPEAN PATENT OFFICE  
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY  
(IPEA/EP)**

5

Applicant(s): DOW GLOBAL TECHNOLOGIES INC.  
International Application No.: PCT/US2010/045860  
International Filing Date: 18 August 2010  
For: Filtration Module Including Membrane Sheet with Capillary  
10 Channels  
Reference No.: 67796-WO-PCT  
Authorized Officer: Sonia Verissimo

15

**AMENDMENTS PURSUANT TO ARTICLE 34(2)(b)**

Dear Sirs:

Applicants have filed a Demand for International Preliminary Examination concurrently with  
20 the present Article 34 Amendment. Please reconsider the basis of the Written Opinion of 10  
December 2010 in light the present amendments and accompanying arguments. To facilitated  
preliminary examination, a "marked up" and clean set of replacement pages are included. Support for  
the present amendment to claim 1 is found at page 1, lines 10-11 of the Description.

Claims 1-4 and 6-9 have been deemed as lacking novelty over US 2006/0292044 (D1). D1  
25 describes a ceramic honeycomb structured body for use as a catalyst support for exhaust gas  
conversion [0124]. In contrast, the presently amended claims are directed toward a liquid filtration  
module including a polymeric membrane sheet having a bulk section comprising a porous polymeric  
structure which provides selective fluid communication between the outer surfaces of the membrane  
sheet and internal capillary channels located therein. D1 fails to disclose or suggest a polymeric  
30 membrane sheet suitable for liquid filtration.

Contrary to statements of the Written Opinion, D1 fails to describe a membrane sheet  
including a porous polymeric structure which provides fluid communication between the outer surface  
of the membrane sheet and internal capillary channels. More specifically, cited paragraphs [0054-55]  
of D1 describe an improvement in specific surface area due to the presence of inorganic particles.  
35 Neither porosity nor fluid communication through the structure are disclosed or suggested. Indeed,  
such features would appear to be at odds with the intended purpose of the structured body of D1, i.e.  
as a catalyst support for exhaust gas.

Claims 5 and 10 have been deemed as lacking inventive step over D2-D4; however, none of  
cited references disclose or suggest the combination of features now presented in amended claim 1,


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nor the features of claim 5 or 10 in combination with claim 1.

In response to Item VIII of the Written Opinion, claims 2 and 6 define the "product" in terms of the process used to form the product, e.g. co-extrusion to form an "integral extruded structure." The cited references fail to disclose or suggest a membrane sheet possessing this product  
5 characteristic along with the features of claim 1.

Applicant request reconsideration of the reasoned statements set forth in the Written Opinion and the issuance of a favorable preliminary examination report.

Respectfully submitted,

By:   
Edward W. Black  
Registration No. 36,454

January 14, 2011  
P.O. Box 1967  
Midland, MI 48641-1967

EWB/akm

67796-WO-PCT

(Clean)

## CLAIMS:

1. A liquid filtration module comprising: at least one header and a polymeric membrane sheet comprising:
- 5 a first and second opposing outer surface bordered by an opposing top and bottom edge and an opposing first and second lateral edge,
- a plurality of parallel capillary channels positioned between the first and second outer surfaces and extending between two opposing edges of the sheet, and
- a bulk section comprising a porous polymeric structure which provides selective fluid
- 10 communication between the first and second outer surfaces and the capillary channels, and which has a bulk tensile strength, wherein:
- the header is disposed along an edge of the membrane sheet and is in fluid communication with the capillary channels, and
- at least one of the edges of the membrane sheet extending parallel to the capillary channels
- 15 has a tensile strength at least twice as great as the bulk tensile strength.
2. The filtration module of any preceding claim wherein the opposing edges, opposing outer surfaces, capillary channels and bulk section of the membrane sheet are formed by co-extrusion and form an integral extruded structure.
- 20
3. The filtration module of any preceding claim wherein at least one of the edges of the membrane sheet which is parallel to the capillary channels comprises a different polymer composition than the bulk section of the membrane sheet.
- 25
4. The filtration module of any preceding claim wherein at least one of the edges of the membrane sheet which is parallel to the capillary channels comprises a non-porous structure.
5. The filtration module of any preceding claim wherein at least one of the edges of the membrane sheet which is parallel to the capillary channels comprises an undulating surface.
- 30
6. The filtration module of any preceding claim wherein the capillary channels are parallel with two opposing edges of the membrane sheet, and the membrane sheet further comprises a co-extruded reinforcing strip located between said opposing edges and extending parallel to the capillary channels, and wherein the reinforcing strip has a tensile strength at least twice as great as
- 35 the bulk tensile strength of the membrane sheet.

67796-WO-PCT

(Clean)

7. The filtration module of any preceding claim wherein the membrane sheet further comprises a reinforcing laminate disposed upon a portion of at least one outer surface of the membrane and extending in a direction perpendicular to the capillary channels.

5

8. The filtration module of any preceding claim comprising two headers, wherein the first header is disposed along the first lateral edge of the membrane sheet and a second header is disposed along the second lateral edge of the membrane sheet, and wherein both the first and second headers are in fluid communication with the capillary channels extending between the opposing first and second lateral edges of the membrane sheet.

10

9. The filtration module of any preceding claim wherein the capillary channels extend between the opposing top and bottom edges of the membrane sheet, the capillary channels are closed at the top edge of the membrane sheet, and the header is disposed along the bottom edge of the membrane sheet and is in fluid communication with the capillary channels.

15

10. A filtration assembly comprising a plurality of filtration modules of any preceding claim, wherein the filtration modules are positioned in side-by-side arrangement with spacing between vertically-aligned membrane sheets, and wherein the spacing between the membrane sheets defines a fluid flow pathway which is unconfined along the top edge of the membrane sheets.

20



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450

The Dow Chemical Company  
P.O. BOX 1967  
2040 Dow Center  
Midland MI 48641

**MAILED**  
**MAR 27 2012**  
**OFFICE OF PETITIONS**

In re Application of : DECISION ON REQUEST TO  
Peter E.M. AERTS et al. : PARTICIPATE IN PCT-PPH PROGRAM  
Application No. 12/858,805 : AND PETITION TO MAKE SPECIAL  
Filed: August 18, 2010 : UNDER 37 CFR 1.102(a)  
Atty. Docket No.: 67796-US-NP  
For: FILTRATION MODULE INCLUDING MEMBRANE SHEET WITH  
CAPILLARY CHANNELS

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) program and the petition under 37 CFR 1.102(a), filed February 20, 2012, to make the above-identified application special.

The request and petition are **DISMISSED**.

A grantable request to participate in the PCT –PPH program and petition to make special under 37 CFR 1.102(a) require:

- (1) the U.S. application must have an eligible relationship to one or more PCT application where the ISA or IPEA are the JPO, EPO, KIPO, IPAU, Russia, Spain, Finland, Austria, or USPTO;
- (2) at least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;
- (3) applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;
- (4) all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) examination of the U.S. application has not begun;

(6) applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof;

(7) applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications; and

(8) applicant is required to submit a claims correspondence table in English which indicates how all the claims in the U.S. application correspond to the claims indicated as having novelty, inventive step, and industrial applicability in the latest international work product.

Requirements (2) to (8) above are considered to have been met. However, the request to participate in the PPH program and petition fail to meet requirement (1).

Regarding requirement (1), the U.S. application fails to show a validly relationship to the PCT application listed on the request.

Applicant is given **ONE** opportunity with a time period of **ONE MONTH** or **THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected within the time period given, the application will await action in its regular turn.

Response must be filed via the Electronic Filing System (EFS) using the document description: Petition to make special under Patent Pros. Hwy. Any preliminary amendments and IDS submitted with the PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

Telephone inquiries concerning this decision should be directed to Robert DeWitty, Petition Attorney, Office of Petitions at 571-272-8427.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.



David Bucci  
Petitions Examiner  
Office of Petitions

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appl. No. : 12/858805  
Applicant (s) : Peter E. M. Aerts, et al.  
Filed : 18 August 2010  
Title : FILTRATION MODULE INCLUDING MEMBRANE SHEET  
WITH CAPILLARY CHANNELS  
Docket No. : 67796-US-NP  
Customer No. : 00109

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4).

Dated: April 3, 2012

Electronic Signature for Edward W. Black / Edward W. Black /

Filed via EFS  
Petition to make Special under Patent Pros. Hwy.  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sirs:

**RESPONSE TO DECISION ON REQUEST TO  
PARTICIPATE IN PCT-PPH PROGRAM**

This is in response to the decision dated March 27, 2012 regarding Applicant's request to participate in the PCT-PPH program. Applicant's request was dismissed for failing to establish that the US application has an eligible relationship with a PCT application where the ISA or IPEA was the EPO. In response, the cover page of PCT/US2010/045860 (publication no. WO/2011/025698) is now attached which clearly shows priority claim to US Provisional Application No. 61/237725 filed 28 August 2009. The EPO was the Examining Authority of the PCT application. The present application (US 12/858805) also claims the benefit of US Provisional Application No. 61/237725 filed 28 August 2009. That is, both PCT/US2010/045860 and the present application claim benefit from the same US provisional application. This relationship is specifically sanctioned in section 8 of USPTO's document "PPH Frequently Asked Questions." Applicant request the petition to participate in the PCT-PPH Program to be granted.

Respectfully submitted,

/Edward W. Black/

Edward W. Black  
Registration No. 36454  
Phone: 989-636-9067

P. O. Box 1967  
Midland, MI 48641-1967

akm





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SCHWEGMAN, LUNDEBERG & WOESSNER, PA  
PO BOX 2938  
MINNEAPOLIS, MN 55402

**MAILED**  
**JAN 24 2012**  
**OFFICE OF PETITIONS**

In re Application of	:	
Robert Townsend, et al.	:	
Application No. 12/858,814	:	DECISION ON PETITION
Filed: August 18, 2010	:	TO WITHDRAW
Attorney Docket No. 2769.007US1	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 27, 2011.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Schwegman, Lundeborg & Woessner, PA has been revoked by the assignee of the patent application on January 3, 2012. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to undersigned at 571-272-1642.

/AMW/  
April M. Wise  
Petitions Examiner  
Office of Petitions



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**MONTGOMERY PATENT AND DESIGN, LLC**  
**375 SOUTHPOINTE BLVD., SUITE 100-110**  
**CANONSBURG PA 15317**

**MAILED**  
**SEP 29 2010**  
**OFFICE OF PETITIONS**

In re Application of :  
Quimby, Martha M. :  
Application No. 12/858,869 : **ON PETITION**  
Filed: August 18, 2010 :  
Attorney Docket No. JTY-062510SAI-2 :

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 18, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes a statement from the applicant's attorney, along with a copy of Martha Quimby's Pennsylvania driver's license. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-3206. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This matter is being referred to the Technology Center Art Unit 3633 for action on the merits commensurate with this decision.

Liana Walsh  
Petitions Examiner  
Office of Petitions



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LEE & HAYES, PLLC  
601 W RIVERSIDE  
SUITE 1400  
SPOKANE, WA 99201

**MAILED**

**MAR 25 2011**

**OFFICE OF PETITIONS**

In re Application of  
SINVHAL-SHARMA, et al  
Application No. 12/858,894  
Filed: August 18, 2010  
Attorney Docket No. IP1-0005US

DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 28, 2011.

The request is **NOT APPROVED**.

The request to withdraw from record cannot be approved because the request to change the correspondence address is not accompanied by a power of attorney nor is the correspondence address that of an assignee of the entire interest who has been properly made of record under 37 CFR 3.71 or the first named inventor.

All future communications from the Office will continue to be directed to the above-identified address until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

/Diane C. Goodwyn/  
Diane C. Goodwyn  
Petitions Examiner  
Office of Petitions

cc: MARGARET ANDERSON  
106 E. 6<sup>TH</sup> STREET, SUITE 900  
AUSTIN TX 78701



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/858,917	08/18/2010	TIMOTHY L. RAMSEY	SUGE.P0004US.CP1	6889

32425	7590	01/10/2011
FULBRIGHT & JAWORSKI L.L.P.		
600 CONGRESS AVE.		
SUITE 2400		
AUSTIN, TX 78701		

EXAMINER	
BAUSCH, SARAE L	

ART UNIT	PAPER NUMBER
1634	

NOTIFICATION DATE	DELIVERY MODE
01/10/2011	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

aopatent@fulbright.com



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JAN 10 2011

FULBRIGHT & JAWORSKI L.L.P.  
600 CONGRESS AVE.  
SUITE 2400  
AUSTIN TX 78701

In re Application of:  
Ramsey et al.

Serial No.: 12/858,917  
August 18, 2010

Docket No.: SUGE.P0004US.CP1

Title: **METHODS AND COMPOSITIONS  
FOR THE TREATMENT OF  
PSYCHOTIC DISORDERS THROUGH  
THE IDENTIFICATION OF THE  
SULT4A1-1 HAPLOTYPE**

DECISION ON REQUEST FOR  
CONSIDERATION TO MAKE  
SPECIAL FOR NEW  
APPLICATION UNDER 37  
C.F.R. § 1.102 & M.P.E.P. §  
708.02

This is a decision on the request for reconsideration filed on August 18, 2010 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is GRANTED.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.
2. Restriction Practice:  
If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the

examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:

If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:

An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:

A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):

7. Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

8. Post-Allowance Processing:

To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

9. After-Final and Appeal Procedures:

To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

10. Proceedings Outside the Normal Examination Process:

If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

11. Final Disposition:

The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to Marianne C. Seidel, Quality Assurance Specialist, at (571) 272-0584.

/MC Seidel/

Marianne C. Seidel, Quality Assurance Specialist  
Technology Center 1600



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Paper No.

**AUG 23 2011**

**OFFICE OF PETITIONS**

FULBRIGHT & JAWORSKI L.L.P.  
98 SAN JACINTO BOULEVARD  
SUITE 1100  
AUSTIN TX 78701-4255

In re Application of	:	
Ramsey et al.	:	
Application No. 12/858,917	:	
In re Patent No. 7,951,542	:	DECISION ON PETITION
Filing Date: August 18, 2010	:	PURSUANT TO 37 C.F.R.
Issue Date: May 31, 2011	:	§ 3.81(B)
Attorney Docket Number:	:	
SUGE.P0004US.CP1	:	
Title: METHODS AND COMPOSITIONS	:	
FOR THE TREATMENT OF PSYCHOTIC	:	
DISORDERS THROUGH THE	:	
IDENTIFICATION OF THE SULT4A1-1	:	
HAPLOTYPE	:	

This is a decision on the petition pursuant to 37 C.F.R. § 3.81(b), filed August 5, 2011, to correct the Assignee's information on the Issue Fee Transmittal Form PTOL-85(b).

The petition is **DISMISSED**.

With this petition, Petitioner requests that a Certificate of Correction be issued to correct the assignee information that appears on the face of the patent. Petitioner has requested that the Assignee information should be changed from "SURGENE, LLC" to "SureGene, LLC."

37 C.F.R. § 3.81(b), effective June 25, 2004, reads:

(b) After payment of the issue fee: Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set



forth in 3.11 before issuance of the patent, and must include a request for a certificate of correction under 1.323 of this chapter (accompanied by the fee set forth in 1.20(a)) and the processing fee set forth in 1.17(i) of this chapter.

The present request pursuant to 37 C.F.R. § 3.81(b) was accompanied by the petition fee, a request for a certificate of correction and the associated fee, and a copy of a recordation document.

On April 29, 2011, Applicant submitted form PTOL-85b to the Office, which erroneously lists "SURGENE, LLC" as the assignee.

Office records show that on August 18, 2010, prior to the issuance of this patent, an assignment was submitted for recordation, which lists "SUREGENE, LLC" as the Assignee.

With this petition, Petitioner has included a certificate of correction: Petitioner seeks to correct the spelling of the Assignee, but has listed the Assignee in mixed upper and lower case letters. Were this petition to be granted, this would result in the issuance of a Certificate of Correction which lists the Assignee as being spelled with case that differs from the text which appears on the recordation document.

This cannot be done, since an assignment which lists "SureGene, LLC." was not submitted for recordation prior to the issuance of this patent. It follows that Petitioner has failed to comply with the provisions of this title, and as such, the request cannot be granted. It is clear that the assignment, as currently written, was not submitted for recordation as set forth in 37 C.F.R. § 3.11 before the issuance of this patent.

Any reply must be submitted within **TWO MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. § 1.136(a) are permitted. The reply should include a cover letter entitled "Renewed Petition Under 37 C.F.R. § 3.81(b)". This is not a final agency action within the meaning of 5 U.S.C § 704.

On renewed petition, Petitioner should include a certificate of correction which requests that the Assignee be listed as "SUREGENE, LLC," as requested on the second page of this original petition.

Any renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be

submitted by mail<sup>1</sup>, hand-delivery<sup>2</sup>, or facsimile<sup>3</sup>. Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web<sup>4</sup>.

If responding by mail, Petitioner is advised not to place the undersigned's name on the envelope. Only the information that appears in the footnote should be included - adding anything else to the address will delay the delivery of the response to the undersigned.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.<sup>5</sup>

/Paul Shanoski/  
Paul Shanoski  
Senior Attorney  
Office of Petitions

---

1 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.

2 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.

3 (571) 273-8300: please note this is a central facsimile number.

4 <https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html>

5 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.



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**NOV 08 2011**

**OFFICE OF PETITIONS**

FULBRIGHT & JAWORSKI L.L.P.  
98 SAN JACINTO BOULEVARD  
SUITE 1100  
AUSTIN TX 78701-4255

In re Application of	:	
Ramsey et al.	:	
Application No. 12/858,917	:	
In re Patent No. 7,951,542	:	DECISION ON RENEWED
Filing Date: August 18, 2010	:	PETITION PURSUANT TO 37
Issue Date: May 31, 2011	:	C.F.R. § 3.81(B)
Attorney Docket Number:	:	
SUGE.P0004US.CP1	:	
Title: METHODS AND COMPOSITIONS	:	
FOR THE TREATMENT OF PSYCHOTIC	:	
DISORDERS THROUGH THE	:	
IDENTIFICATION OF THE SULT4A1-1	:	
HAPLOTYPE	:	

This is a decision on the renewed petition pursuant to 37 C.F.R. § 3.81(b), filed October 28, 2011, to correct the Assignee's information on the Issue Fee Transmittal Form PTOL-85(b).

The renewed petition is **GRANTED**.

With this renewed petition, Petitioner requests that a Certificate of Correction be issued to correct the assignee information that appears on the face of the patent. Petitioner has requested that the Assignee information should be changed from "SURGENE, LLC" to "SUREGENE, LLC."

37 C.F.R. § 3.81(b), effective June 25, 2004, reads:

(b) After payment of the issue fee: Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set

forth in 3.11 before issuance of the patent, and must include a request for a certificate of correction under 1.323 of this chapter (accompanied by the fee set forth in 1.20(a)) and the processing fee set forth in 1.17(i) of this chapter.

An original petition pursuant to 37 C.F.R. § 3.81(b) was filed on August 5, 2011, along with the petition fee, a request for a certificate of correction and the associated fee, and a copy of a recordation document. The original petition was dismissed via the mailing of a decision on August 23, 2011.

Office records show that on August 18, 2010, prior to the issuance of this patent, an assignment was submitted for recordation, which lists "SUREGENE, LLC" as the Assignee.

With this renewed petition, Petitioner has requested that the assignment information be changed to list "SUREGENE, LLC" as the Assignee. Petitioner has further included a one-month extension of time so as to make timely this submission.

The Certificates of Correction Branch will be notified of this decision so that the requested Certificate of Correction can be issued, listing "SUREGENE, LLC" as the Assignee.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225. Any questions concerning the issuance of a certificate of correction should be directed to the Certificates of Correction Branch at (703) 756-1814.



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Paul Shanoski  
Senior Attorney  
Office of Petitions



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/858,926	08/18/2010	Yukinori KATAGIRI	029118.62812US	6906
7590 07/19/2011 CROWELL & MORING LLP INTELLECTUAL PROPERTY GROUP P.O. BOX 14300 WASHINGTON, DC 20044-4300			EXAMINER DUNHAM, JASON B	
			ART UNIT	PAPER NUMBER
			3684	
			MAIL DATE	DELIVERY MODE
			07/19/2011	PAPER

## DECISION GRANTING PETITION UNDER 37 CFR 1.138(d) *The declaration of express abandonment is recognized*

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

*Nomi Sarmes*  
Patent Publication Branch  
Office of Data Management

**SPE RESPONSE FOR CERTIFICATE OF CORRECTION**

Paper No.: \_\_\_\_\_

DATE : October 27, 2011

TO SPE OF : ART UNIT 2114 SPE Scott T. Baderman.

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/858,994 Patent No.: 8,006,117 B2

Please respond to this request for a certificate of correction within 7 days.

**FOR IFW FILES:**

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

**FOR PAPER FILES:**

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (CofC)  
Randolph Square Building  
2800 South Randolph Street  
Arlington, VA 22206**

Should the claim changes be approved as requested by applicant?  
See COCIN dated 10-19-2011

***Antonio Johnson***

\_\_\_\_\_  
Certificates of Correction Branch

**(571)272-0483 Fax – (571)270-9846**

**Thank You For Your Assistance**

**The request for issuing the above-identified correction(s) is hereby:**

Note your decision on the appropriate box.

☒ **Approved**

**All changes apply.**

☐ **Approved in Part**

**Specify below which changes **do not** apply.**

☐ **Denied**

**State the reasons for denial below.**

**Comments:** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
**SCOTT BADERMAN**  
**SUPERVISORY PATENT EXAMINER**  
**SPE** \_\_\_\_\_ **Art Unit** 2114



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In re Application of  
Marshall Medoff

Application No. 12859003

Filed:

Attorney Docket No. 00121-2US

:  
:

:DECISION ON PETITION TO MAKE SPECIAL  
:UNDER 37 CFR 1.102(c)(1)

:

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 18-AUG-2010 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.



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OSHA, LIANG LLP / SMITH  
TWO HOUSTON CENTER  
909 FANNIN STREET, SUITE 3500  
HOUSTON TX 77010

**MAILED**  
FEB 04 2011  
**OFFICE OF PETITIONS**

In re Application of	:	
Malcolm Perschke et al.	:	DECISION REFUSING STATUS
Application No. 12/859,017	:	UNDER 37 CFR 1.47(a)
Filed: August 18, 2010	:	
Attorney Docket No. 05516/387002	:	

This is in response to the petition under 37 CFR 1.47(a), filed December 30, 2010.

The petition is **dismissed**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Any extensions of time will be governed by 37 CFR 1.136(a).

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor. Applicant lacks item (1) set forth above.

As to item (1), the applicable statute (35 U.S.C. § 116) requires that a "diligent effort" have been expended in attempting to find or reach the non-signing inventor. *See* MPEP 409.03(a). The showing currently fails to demonstrate, with a documented showing, that a diligent effort was made to find or locate non-signing inventor, Koti, such that the declaration can be accepted under 37 CFR 1.47(a). Where inability to find or locate a named inventor(s) is alleged, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a *diligent effort* was made to locate the inventor.



By fax: (571) 273-8300  
ATTN: Office of Petitions

Telephone inquiries should be directed to the undersigned at (571) 272-6842.

A handwritten signature in black ink, appearing to read 'Carl Friedman', with a long horizontal stroke extending to the right.

Carl Friedman  
Petitions Examiner  
Office of Petitions



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OSHA, LIANG LLP / SMITH  
TWO HOUSTON CENTER  
909 FANNIN STREET, SUITE 3500  
HOUSTON TX 77010

**MAILED**  
AUG 19 2011  
OFFICE OF PETITIONS

In re Application of :  
Malcolm Perschke et al : DECISION GRANTING STATUS  
Application No. 12/859,017 : UNDER 37 CFR 1.47(a)  
Filed: August 18, 2010 :  
Attorney Docket No. 05516/387002 :

This is a decision on the renewed petition filed, August 4, 2011 , requesting reconsideration of a decision mailed February 4, 2011, which refused to accord 37 CFR 1.47(a) status to the above-identified application.

The renewed petition is **GRANTED**.


Petitioner has shown that the non-signing co-inventor, Nishant Koti, has refused to join in the filing of the above-identified application.

The application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This application is being referred to the Office of Patent Application Processing.

Telephone inquiries regarding this decision should be directed to Carl Friedman at (571) 272-6842.

  
Carl Friedman  
Petitions Examiner  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Nishant Koti  
17111 Hafer Road #625  
Houston, Texas 77090

**MAILED**  
**AUG 19 2011**  
**OFFICE OF PETITIONS**

In re Application of  
Malcolm Perschke et al.  
Application No. 12/859,017  
Filed: August 18, 2010  
For: Cutting Tool

Dear Mr. Koti:

You are named as a co-inventor in the above-identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a co-inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-6842. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington, DC area).

Carl Friedman  
Petitions Examiner  
Office of Petitions

cc: Osha, Liang LLP/Smith  
Two Houston Center  
909 Fannin Street, Suite 3500  
Houston TX 77010



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Address: COMMISSIONER FOR PATENTS  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/859,026	08/18/2010	Tadashi Matsuda	8616P1016	7112

7590 10/26/2011  
BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP  
1279 OAKMEAD PARKWAY  
SUNNYVALE, CA 94085-4040

EXAMINER
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HJERPE, RICHARD A

ART UNIT	PAPER NUMBER
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2629

MAIL DATE	DELIVERY MODE
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10/26/2011

PAPER

**DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)**

*The declaration of express abandonment is recognized*

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

*Mimi Tarnes*  
Patent Publication Branch  
Office of Data Management



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Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER LLP  
901 NEW YORK AVENUE, NW  
WASHINGTON DC 20001-4413

**MAILED**

**JUL 11 2011**

**OFFICE OF PETITIONS**

In re Application of	:	
Nagata, et al.	:	
Application No. 12/859,030	:	DECISION
Filed/Deposited: 18 August, 2010	:	
Attorney Docket No. 04329.4587	:	

This is a decision on the petition filed on 20 May, 2011, pursuant to 37 C.F.R. §1.53.

For the reasons set forth below, the petition pursuant to 37 C.F.R. §1.53 is **DISMISSED without prejudice**.

This is **not** a final agency action within the meaning of 5 U.S.C. §704.

**BACKGROUND**

The instant application was deposited on 18 August, 2010.

On 1 September, 2010—less than two (2) weeks after deposit of the application papers—the Office mailed a Filing Receipt, setting forth a filing date of 18 August, 2010.

On 27 September, 2010, Petitioner submitted into the record the foreign (Japan) priority document.

On 3 March, 2011, the Office mailed the Notice of Publication.

On 20 May, 2011, Petitioner filed the instant petition, and averred—with absolutely no support submitted—that Office error (“EFS Web malfunction at the payment stage”) compelled Petitioner to twice file the application, the second application having been 12/859,043. Notably, the Office records reflect no such error—but, rather, reflect the payment of the filing, search and examination fees at that time.

Despite Petitioner's further averment that an "Express Abandonment \*\*\* and Filing Receipt \*\*\* are attached," no express abandonment was submitted or otherwise is evident in the record at this writing.

Petitioner provides no indication of the reason for the:

- more than nine- (9-) month delay between deposit and the filing of the instant petition;
- nearly nine- (9-) month delay between the mailing of the filing receipt and the filing of the instant petition;
- Petitioner's clearly intentional submission into the record of the priority document nearly eight (8) months before the filing of the instant petition;
- Petitioner's averment of submission of attachment apparently inconsistent with Petitioner's actual submission.

Petitioner must overcome these deficiencies.

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice and all others who make representations before the Office **must** inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation—since all owe to the Office the continuing duty to disclose.<sup>1</sup>

### CONCLUSION

The petition is **dismissed without prejudice**; no fees are waived or refunded because, as of this writing, there has been no showing that the petition was based upon an error of the Office. Petitioner is given **ONE MONTH, not less than 30 days**, to reply to this decision and clarify the record herein.

---

<sup>1</sup> See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See *Changes to Patent Practice and Procedure*, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §11.18, formerly §10.18, to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

Application No. 12/859,030

Further correspondence with respect to this matter should be addressed as follows:

By Mail:                   Mail Stop PETITION  
                              Commissioner for Patents  
                              P. O. Box 1450  
                              Alexandria, VA 22313-1450

By hand:                 U. S. Patent and Trademark Office  
                              Customer Service Window, Mail Stop Petitions  
                              Randolph Building  
                              401 Dulany Street  
                              Alexandria, VA 22314

By facsimile:           **(571) 273-8300**  
                              Attn: Office of Petitions

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2<sup>2</sup>) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).



/John J. Gillon, Jr./  
John J. Gillon, Jr.  
Senior Attorney  
Office of Petitions

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<sup>2</sup> The regulations at 37 C.F.R. §1.2 provide:  
**§1.2 Business to be transacted in writing.**

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.





## UNITED STATES PATENT AND TRADEMARK OFFICE

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Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
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In re Application of  
Jorge MILLER

Application No. 12859041

Filed:

Attorney Docket No. 31203159-000014

:  
:

:DECISION ON PETITION TO MAKE SPECIAL  
:UNDER 37 CFR 1.102(c)(1)

:

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 20-AUG-2010 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.



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MESMER & DELEAULT, PLLC  
41 BROOK STREET  
MANCHESTER NH 03104

**MAILED**

**JAN 14 2011**

**OFFICE OF PETITIONS**

In re Application of :  
Russo : DECISION ON PETITION  
Application No. 12/859,050 :  
Deposited: August 18, 2010 :  
Atty Docket No. JCR.US.3 :

This is a decision on the "PETITION UNDER 37 CFR 1.57(a) TO CORRECT FILING DATE," filed October 29, 2010, requesting that the above-referenced application be accorded a filing date of August 18, 2010.

The petition under 37 CFR 1.57(a) is **DISMISSED**.

Any reconsideration petition should be filed within two (2) months of the mail date of this decision on petition.

The application was deposited on August 18, 2010. A Notice of Incomplete Nonprovisional Application was mailed on September 1, 2010.

Petitioner timely filed the present petition in response on August 18, 2010. Petitioner states that drawings were inadvertently omitted from the application deposited on August 18, 2010. Petitioner argues that because the application as deposited on August 18, 2010 contains a claim for benefit of priority under 37 CFR 1.78 to Application No. 61/292,993, filed January 7, 2010, that, pursuant to 37 CFR 1.57(a)(3), petitioner is permitted to amend the present application to include the drawings found in the earlier filed provisional application and thereby, obtain an August 18, 2010 filing date for the present application.

On September 21, 2004, § 1.57 was added to read, in pertinent part that:

(a) Subject to the conditions and requirements of this paragraph, if all or a portion of the specification or

drawing(s) is inadvertently omitted from an application, but the application contains ... a claim under 1.78 for the benefit of a prior-filed provisional, nonprovisional or international application, that was present on the filing date of the application, and the inadvertently omitted portion of the specification or drawing(s) is completely contained in the prior-filed application, the claim under ... § 1.78 shall also be considered an incorporation by reference of the prior-filed application as to the inadvertently omitted portion of the specification or drawing(s).

- (1) The application must be amended to include the inadvertently omitted portion of the specification or drawing(s) within any time period set by the Office, but in no case later than the close of prosecution as defined by § 1.114(b), or abandonment of the application, whichever occurs earlier;
- (3) If an application is not otherwise entitled to a filing date under § 1.53(b), the amendment must be by way of a petition pursuant to this paragraph accompanied by the fee set forth in § 1.17(f).

The petition is dismissed because petitioner did **not** file a formal amendment to add the drawings. Both an amendment adding the material and a petition are required under 37 CFR 1.57(a). MPEP 201.17 Incorporation by Reference under 37 CFR 1.57(a).

Further correspondence with respect to this matter should be delivered through one of the following mediums:

By mail:           Mail Stop PETITIONS  
                  Commissioner for Patents  
                  Post Office Box 1450  
                  Alexandria, VA 22313-1450

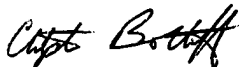
By hand:           Customer Service Window  
                  Mail Stop Petitions  
                  Randolph Building  
                  401 Dulany Street  
                  Alexandria, VA 22314

By fax: (571) 273-8300  
ATTN: Office of Petitions

By internet: EFS-Web  
[www.uspto.gov/ebc/efs\\_help.html](http://www.uspto.gov/ebc/efs_help.html)  
(for help using EFS-Web call the  
Patent Electronic Business Center  
at (866) 217-9197)

The application will be retained in the Office of Petitions until a reconsideration petition under 37 CFR 1.57(a)(3) and a formal amendment adding the drawings is filed.

Telephone inquiries concerning this matter may be directed to Petitions Attorney Shirene Willis Brantley at (571) 272-3230.



Christopher Bottorff  
Supervisor  
Office of Petitions



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MESMER & DELEAULT, PLLC  
41 BROOK STREET  
MANCHESTER NH 03104

**MAILED**

**APR 11 2011**

**OFFICE OF PETITIONS**

In re Application of :  
Russo : DECISION ON PETITION  
Application No. 12/859,050 :  
Deposited: August 18, 2010 :  
Atty Docket No. JCR.US.3 :

This is a decision on the reconsideration petition under 37 CFR 1.57(a)(3), filed March 14, 2011, requesting that the above-referenced application be accorded a filing date of August 18, 2010.

The petition under 37 CFR 1.57(a) is **GRANTED**.

The application was deposited on August 18, 2010. A Notice of Incomplete Nonprovisional Application was mailed on September 1, 2010.

Petitioner states that drawings were inadvertently omitted from the application deposited on August 18, 2010. Petitioner argues that because the application as deposited on August 18, 2010 contains a claim for benefit of priority under 37 CFR 1.78 to Application No. 61/292,993, filed January 7, 2010, that, pursuant to 37 CFR 1.57(a)(3), petitioner is permitted to amend the present application to include the drawings found in the earlier filed provisional application and thereby, obtain an August 18, 2010 filing date for the present application.

On September 21, 2004, § 1.57 was added to read, in pertinent part that:

(a) Subject to the conditions and requirements of this paragraph, if all or a portion of the specification or drawing(s) is inadvertently omitted from an application, but the application contains ... a claim under 1.78 for the benefit of a prior-filed provisional, nonprovisional or international application, that was present on the filing date of the application, and the inadvertently omitted

portion of the specification or drawing(s) is completely contained in the prior-filed application, the claim under ... § 1.78 shall also be considered an incorporation by reference of the prior-filed application as to the inadvertently omitted portion of the specification or drawing(s).

- (1) The application must be amended to include the inadvertently omitted portion of the specification or drawing(s) within any time period set by the Office, but in no case later than the close of prosecution as defined by § 1.114(b), or abandonment of the application, whichever occurs earlier;
- (3) If an application is not otherwise entitled to a filing date under § 1.53(b), the amendment must be by way of a petition pursuant to this paragraph accompanied by the fee set forth in § 1.17(f).

It is noted that the application as deposited on August 18, 2010 contains a claim for benefit of priority under 37 CFR 1.78 to Application No. 61/292,993. Thus, pursuant to 1.57, the application as filed is considered to have incorporated by reference the prior filed application as to the inadvertently omitted drawings.

Applicants have filed an amendment adding the inadvertently omitted drawings, an identification of where the inadvertently omitted drawings may be found in the prior-filed application, and the petition fee.

In view of the incorporation by reference of the prior application, the drawings supplied on October 29, 2010, would not constitute new matter if they were part of the prior application. Of course, the examiner is expected to compare the drawings supplied on October 29, 2010, to the drawings in prior application No. 61/292,993 in order to verify that they are an accurate copy of the prior drawings and that they contain no new matter.

In view thereof, the petition is **GRANTED**.

The application is being forwarded to the Office of Patent Application Processing (OPAP) for **according of a filing date of August 18, 2010**, including the copy of drawings from the prior application supplied on October 29, 2010. Applicants will receive appropriate notifications regarding the fees owed, if any, and other information in due course from OPAP.

Telephone inquiries concerning this matter may be directed to  
Petitions Attorney Shirene Willis Brantley at (571) 272-3230.

A handwritten signature in black ink, appearing to read "Chris Bottorff", written in a cursive style.

Christopher Bottorff  
Supervisor  
Office of Petitions



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UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
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Alexandria, Virginia 22313-1450  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/859,056	08/18/2010	Timothy L. Ramsey	SUGE.P0005US.CP1	7167
32425 7590 01/10/2011 FULBRIGHT & JAWORSKI L.L.P. 600 CONGRESS AVE. SUITE 2400 AUSTIN, TX 78701			EXAMINER BAUSCH, SARAE L	
			ART UNIT 1634	PAPER NUMBER
			NOTIFICATION DATE 01/10/2011	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

aopatent@fulbright.com





UNITED STATES PATENT AND TRADEMARK OFFICE

JAN 10 2011

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FULBRIGHT & JAWORSKI L.L.P.  
600 CONGRESS AVE.  
SUITE 2400  
AUSTIN TX 78701

In re Application of:  
Ramsey et al.

Serial No.: 12/859,056

Filed: August 18, 2010

Docket No.: SUGE.P0005US.CP1

Title: **METHODS AND COMPOSITIONS  
FOR THE TREATMENT OF  
PSYCHOTIC DISORDERS THROUGH  
THE IDENTIFICATION OF THE  
SULT4A1-1 HAPLOTYPE**

DECISION ON REQUEST FOR  
CONSIDERATION TO MAKE  
SPECIAL FOR NEW  
APPLICATION UNDER 37  
C.F.R. § 1.102 & M.P.E.P. §  
708.02

This is a decision on the request for reconsideration filed on August 18, 2010 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is GRANTED.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.
2. Restriction Practice:  
If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election

without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having been constructively elected without traverse for examination.

3. Office action:

If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:

An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:

A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed to a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):

7. Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

8. Post-Allowance Processing:

To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

9. After-Final and Appeal Procedures:

To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

10. Proceedings Outside the Normal Examination Process:

If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

11. Final Disposition:

The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to Marianne C. Seidel, Quality Assurance Specialist, at (571) 272-0584.

/MC Seidel/

Marianne C. Seidel, Quality Assurance Specialist  
Technology Center 1600



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**NIXON PEABODY LLP  
P.O. BOX 60610  
PALO ALTO CA 94306**

**MAILED  
SEP 09 2011  
OFFICE OF PETITIONS**

In re Application of	:	
Gordon B.J. Mah	:	
Application No. 12/859,066	:	ON PETITION
Filed: August 18, 2010	:	
Attorney Docket No. 057618-002	:	
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 24, 2011, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement (PTO/SB/130 form) by the applicant that applicant is 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7751. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This matter is being referred to the Technology Center Art Unit 3673 for action on the merits commensurate with this decision.

/Joan Olszewski/  
Joan Olszewski  
Petitions Examiner  
Office of Petitions



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HANLEY, FLIGHT & ZIMMERMAN, LLC  
150 S. WACKER DRIVE  
SUITE 2100  
CHICAGO, IL 60606

**MAILED**  
**MAY 31 2011**  
**OFFICE OF PETITIONS**

In re Application of Scott Sims	:	
Application No. 12/859,071	:	Decision Refusing to Accord
Filed: August 18, 2010	:	Status Under 37 CFR 1.47(b)
Attorney Docket No. 20177/P02248	:	
For: Method of Gaming, a Game	:	
Controller, and a Gaming System	:	

This is in response to the petition under 37 CFR 1.47(b) filed March 2, 2011.

The petition is **dismissed**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. No further petition fee is required for the request. Any response should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(b)" and may include an oath or declaration executed by the current non-signing inventor(s). **Failure to respond will result in abandonment of the application.**

A grantable petition under 37 CFR 1.47(b) requires:

1. Proof that the non-signing inventor cannot be found or reached after diligent effort or that the inventor refused to sign the declaration after having been presented with the application papers (specification, claims, and drawings),
2. An acceptable oath or declaration;
3. The petition fee;
4. A statement of the last known address of the non-signing inventor;
5. Proof of proprietary interest; and
6. Proof of irreparable damage.

The petition fails to satisfy requirements 2 and 5 set forth above. Specifically, the declaration is improper and the petition fails to establish the Rule 47 applicant has sufficient proprietary interest in the subject matter of the application to justify the filing of the application.

Where an oath or declaration is signed by a registered attorney or agent on behalf of a corporation, the attorney or agent must state he or she is authorized to sign the declaration on behalf of the corporation or proof of the attorney's or agent's authority to sign the declaration in the form of a statement signed by an appropriate corporate officer must be submitted. The Office notes a general power of attorney to prosecute an application will not, without more, demonstrate an attorney has the authority to sign a declaration on behalf of the assignee.

The declaration is signed by Attorney Christopher George. Neither the petition nor the declaration states Attorney George has the authority to sign the declaration on behalf of Aristocrat Technologies Australia Pty Limited and the petition does not include proof Attorney George has the authority to sign the declaration on behalf of the corporation. Therefore, the declaration is improper.

Any request for reconsideration should include a statement by Attorney George asserting he has the authority to sign the declaration on behalf of the corporation or proof Attorney George has the authority to sign the declaration on behalf of Aristocrat Technologies Australia Pty Limited.

The petition appears to indicate petitioner has known, since at least September 29, 2010, that the last known address of the inventor is 9695 Kampsville Avenue, Los Vegas, NV 89148. However, the declaration, with a date of execution of March 2, 2011, identifies the address for the inventor as 10505 Angel Alcove, Las Vegas, NV 89144. If the mailing address on the declaration is not the last known address for the inventor, a new declaration and/or a supplemental application data sheet with correct address information should be filed.

A petition under 37 CFR 1.47(b) must establish the Rule 47 applicant has sufficient proprietary interest in the subject matter of the application to justify the filing of the application. The petition is accompanied by an employment agreement between the non-signing inventor and the Rule 47 applicant. However, the petition does not clearly demonstrate the subject matter of the invention falls within the parameters of the employment agreement. For example, the petition does not assert the inventor was employed by Rule 47 applicant at the time the invention was conceived. Any request for reconsideration should include facts sufficient to demonstrate the employment agreement covers the subject matter of the instant application.

Further correspondence with respect to this matter may be submitted as follows:

By Internet: A request for reconsideration may be filed electronically using EFS Web.<sup>1</sup>  
Document Code "PET.OP" should be used if the request is filed electronically.

By mail: Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

By facsimile: (571) 273-8300  
Attn: Office of Petitions

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<sup>1</sup> General Information concerning EFS Web can be found at <http://www.uspto.gov/patents/process/file/efs/index.jsp>.

By hand: U.S. Patent and Trademark Office  
Customer Service Window  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Telephone inquiries regarding this communication should be directed to Petitions Attorney  
Steven Brantley at (571) 272-3203.



Charles Steven Brantley  
Senior Petitions Attorney  
Office of Petitions



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Commissioner for Patents  
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P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

HANLEY, FLIGHT & ZIMMERMAN, LLC  
150 S. WACKER DRIVE  
SUITE 2100  
CHICAGO, IL 60606

**MAILED**  
**DEC 08 2011**  
**OFFICE OF PETITIONS**

In re Application of Scott Sims	:	
Application No. 12/859,071	:	Decision Refusing to Accord
Filed: August 18, 2010	:	Status Under 37 CFR 1.47(b)
Attorney Docket No. 20177/P02248	:	
For: Method of Gaming, a Game	:	
Controller, and a Gaming System	:	

This is in response to the renewed petition under 37 CFR 1.47(b) filed September 30, 2011.

The petition is **dismissed**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. No further petition fee is required for the request. Any response should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(b)" and may include an oath or declaration executed by the current non-signing inventor(s). **Failure to respond will result in abandonment of the application.**

A prior petition under 37 CFR 1.47(b) was filed March 2, 2011. The petition included a copy of an employment agreement stating Sims agrees to assign to the Rule 47 applicant "Ideas, Inventions and Improvements" that Sims "may conceive, make, reduce or practice or first disclose *during the period of [Sim's] employment* with [the Rule 47 applicant]" that satisfy certain criteria.<sup>1</sup>

A decision dismissing the petition was mailed May 31, 2011. The decision stated in part,

A petition under 37 CFR 1.47(b) must establish the Rule 47 applicant has sufficient proprietary interest in the subject matter of the application to justify the filing of the application. The petition is accompanied by an employment agreement between the non-signing inventor and the Rule 47 applicant. However, the petition does not clearly demonstrate the subject matter of the invention falls within the parameters of the employment agreement. *For example, the petition does not assert the inventor was*

<sup>1</sup> Page 5 of the contract (emphasis added).



*employed by Rule 47 applicant at the time the invention was conceived.* Any request for reconsideration should include facts sufficient to demonstrate the employment agreement covers the subject matter of the instant application.

The instant petition does not assert the inventor conceived, made, reduced to practice, or first disclosed the invention during his employment with Rule 47 applicant. Therefore, the current record is insufficient to establish Rule 47 applicant has a sufficient proprietary interest in the subject matter of the application to justify the filing of the application.

Any request for reconsideration should include a statement clearly asserting Sims conceived, made, reduced to practice, or first disclosed the invention during his employment with Rule 47 applicant.

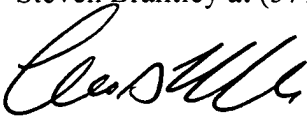
Further correspondence with respect to this matter may be submitted as follows:

By Internet: A request for reconsideration may be filed electronically using EFS Web.<sup>2</sup>  
Document Code "PET.OP" should be used if the request is filed electronically.

By mail: Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

By facsimile: (571) 273-8300  
Attn: Office of Petitions  
By hand: U.S. Patent and Trademark Office  
Customer Service Window  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.



Charles Steven Brantley  
Senior Petitions Attorney  
Office of Petitions

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<sup>2</sup> General Information concerning EFS Web can be found at <http://www.uspto.gov/patents/process/file/efs/index.jsp>.



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150 S. WACKER DRIVE  
SUITE 2100  
CHICAGO, IL 60606

**MAILED**  
**MAR 02 2012**  
**OFFICE OF PETITIONS**

In re Application of Scott Sims	:	
Application No. 12/859,071	:	Decision According Status
Filed: August 18, 2010	:	Under 37 CFR 1.47(b)
Attorney Docket No. 20177/P02248	:	
For: Method of Gaming, a Game	:	
Controller, and a Gaming System	:	

This is in response to the renewed petition under 37 CFR 1.47(b) filed February 7, 2012.

The petition is **granted**.

The application and papers have been reviewed and found in compliance with 37 CFR 1.47(b).  
This application is hereby accorded Rule 47(b) status.

As provided in Rule 47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

Technology Center Art Unit 3718 will be informed of the instant decision to ensure the Art Unit is aware the pending petition has been decided and that the application is in condition to be docketed to an examiner and examined in due course.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley  
Senior Petitions Attorney  
Office of Petitions



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www.uspto.gov

**MAILED**

**AUG 08 2011**

**PCT LEGAL ADMINISTRATION**

John Alomit  
16830 Ventura Blvd. Suite 360  
Encino CA 91364

In re Application of:	:	
LUKYANOV, Alexey, Borisovich, et al.	:	DECISION ON PETITION UNDER
U.S. Application No.: 12/859,154	:	37 CFR 1.181
Filing Date: August 18, 2010	:	
Attorney's Docket No.: 22754-070	:	
For: SIMULATOR AND VEST FOR	:	
SIMULATING STRESSES ON A	:	
HUMAN BODY BEING GENERATED	:	
IN THE COURSE OF THE	:	
MOVEMENT OF A VEHICLE	:	

This decision is issued in response to the correspondence filed by applicants on June 17, 2011, treated herein as a petition under 37 CFR 1.181 to have the present application treated as a U.S. national stage application filed under 35 U.S.C. 371. No petition fee is required.

**BACKGROUND**

On August 18, 2010, applicants initiated the present application using the EFS-Web electronic filing system. Among the materials filed by applicants was a "Utility Patent Application Transmittal" (Form PTO/SB/05) and a specification that indicated the present application "claims the benefit of the priority filing date of Russian Application No. RU 2009132054/77." As evidenced by the Electronic Acknowledgement Receipt, during the electronic filing process, applicants identified the present application as a "Utility" application filed "under 35 U.S.C. 111(a)," not a national stage application filed under 35 U.S.C. 371. Accordingly, the application was processed by the USPTO as a filing under 35 U.S.C. 111(a).

On September 01, 2010, the USPTO mailed a filing receipt and a "Notice To File Corrected Application Papers."

On May 11, 2011, the USPTO mailed a "Notice Of Abandonment Under 37 CFR 1.53(f) Or (g)" indicating that the application was abandoned based on applicants' failure to file a timely response to the Notice mailed on September 01, 2010.

On June 17, 2011, applicants filed the correspondence considered as a petition herein. The petition asserts that the present application should be treated as a U.S. national stage application filed under 35 U.S.C. 371.

### DISCUSSION

Applicants' petition states that the present application, among others filed by applicants, "contained a CLAIM OF PRIORITY in the SPECIFICATIONS upon filing, and were thus clearly intended to be filed under 35 U.S.C. 371 (and not 35 U.S.C. 111(a))." Applicants therefore request that the filing status of the application be corrected.

Any intended filing of an international application as a national stage application must clearly and unambiguously be identified as such and must satisfy all of the conditions set forth in 35 U.S.C. 371(c). See 37 CFR 1.495(g):

The documents and fees submitted ... must be clearly identified as a submission to enter the national stage under 35 U.S.C. 371. Otherwise the submission will be considered as being made under 35 U.S.C. 111(a).

Section 1893.03(a) of the MPEP states (emphasis added):

If there are any conflicting instructions as to whether the filing is under 35 U.S.C. 111(a) or 35 U.S.C. 371, the application will be accepted as filed under 35 U.S.C. 111(a). A conflicting instruction will be present, for example, where applicant includes in the initial submission under 35 U.S.C. 371, a "Utility Patent Application Transmittal" (Form PTO/SB/05) or includes a benefit claim under 35 U.S.C. 120 to the international application.

Here, the materials filed to initiate the present application were specifically identified during the electronic filing process as a utility application filed under 35 U.S.C. 111(a), not a national stage application filed under 35 U.S.C. 371. Moreover, the submission included a "Utility Patent Application Transmittal" (Form PTO/SB/05), which on its face states that it is for use "[o]nly for new nonprovisional applications under 37 CFR 1.53(b)" and which the MPEP expressly states is not consistent with the filing of a national stage application. Finally, the application submission did not even refer to a PCT application, as the priority claim in the specification upon which applicants rely is directed to a Russian application, not an international application filed under the PCT.

In view of the above, the application materials filed on May 04, 2011 were not "clearly identified as a submission to enter the national stage under 35 U.S.C. 371," and such materials contained multiple instructions that identified the filing as a submission under 35 U.S.C. 111(a) and were not consistent with the intent to file a national stage application under 35 U.S.C. 371. Accordingly, pursuant to the policy set forth in MPEP section 1893.03(a), the present application is properly treated by the USPTO as a filing under 35 U.S.C. 111(a). Applicants' petition to have the application converted to a filing under 35 U.S.C. 371 is therefore appropriately dismissed.

### CONCLUSION

The petition under 37 CFR 1.181 to have the present application treated as a U.S. national stage filed under 35 U.S.C. 371 is **DISMISSED** without prejudice. The present application will continue to be treated as a U.S. application filed under 35 U.S.C. 111(a).

The present application remains abandoned, as indicated in the "Notice Of Abandonment Under 37 CFR 1.53(f) Or (g)" mailed on May 11, 2011.

/RichardMRoss/

Richard M. Ross  
Attorney Advisor  
Office Of PCT Legal Administration  
Telephone: (571) 272-3296



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JOHN ALUMIT  
16830 VENTURA BLVD. SUITE 360  
ENCINO CA 91364

MAILED  
SEP 26 2011  
OFFICE OF PETITIONS

In re Application of :  
Alexey B. LUKYANOV :  
Application No. 12/859,154 : DECISION ON PETITION  
Effective Date: August 18, 2010 :  
Attorney Docket No. 22754-070 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 19, 2011, to revive the above-identified application.

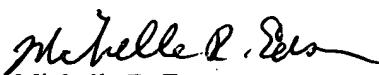
The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers mailed September 01, 2010. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on November 02, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of replacement drawings (2) the petition fee of \$810.00, and (3) a proper statement of unintentional delay. Accordingly, the reply to the Notice to File Corrected Application Papers of September 01, 2010 is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-4231.

This application is being referred to the Office of Patent Application Processing.

  
Michelle R. Eason  
Paralegal Specialist  
Office of Petitions



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**MORGAN LAW OFFICES, PLC**  
**4635 S. LAKESHORE DR. SUITE 131**  
**TEMPE AZ 85282**

**MAILED**

**SEP 08 2011**

**OFFICE OF PETITIONS**

In re Application of  
Lee, Ronald  
Application No. 12/859,200  
Filed: August 18, 2010  
Attorney Docket No. P00553

:  
:  
:  
:  
:

**ON PETITION**

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed September 2, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Replacement Drawing, (2) the petition fee of \$810.00, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.

This matter is being referred to the Office of Patent Application Processing for further pre-examination processing. Thereafter, the application will be referred to Technology Center AU 2877 for examination on the merits.

*/Liana Walsh/*  
Liana Walsh  
Petitions Examiner  
Office of Petitions

Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (05-10)

Approved for use through 05/31/2010. OMB 0651-0062  
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: 112574eweke1	Application Number (if known):	Filing date: 8-16-2010
--------------------------------------	--------------------------------	------------------------

First Named Inventor: Edward W. Eskola III

Title: Solar Powered Active Roof Ridge Vent

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

**Applicant is requesting early publication:** Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements set forth in the notice titled "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," as modified by the notice titled "Elimination of Classification Requirement in the Green Technology Pilot Program," each of which was published in the Federal Register, if the Office determines that the claims are not obviously directed to a single invention.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: \_\_\_\_\_

Signature



Date

8-16-10

Name  
(Print/Typed)

Edward W. Eskola

Registration Number

**Note:** Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below\*.



\*Total of \_\_\_\_\_ forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**Instruction Sheet for  
Petition to Make Special Under the Green Technology Pilot Program  
(Not to be Submitted to the USPTO)**

***The following is a summary of the requirements (for more information see the notices (i) "Pilot Program for Green Technologies Including Greenhouse Gas Reduction" and (ii) "Elimination of Classification Requirement in the Green Technology Pilot Program," available on the USPTO web site at [http://www.uspto.gov/patents/init\\_events/green\\_tech.jsp](http://www.uspto.gov/patents/init_events/green_tech.jsp)):***

- (1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111(a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371. The application must be previously filed before the publication date of the notice cited above. Reexamination proceedings are excluded from this pilot program.
- (2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.
- (3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice (i) cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice (i) cited above.
- (4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.
- (5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.
- (6) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

## Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
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Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/859,224		Edward Walfred Eskola III	112574eweke1	7532
97823	7590	08/25/2010	EXAMINER	
Edward Walfred Eskola III 1823 Shoreline Drive Seabrook, TX 77586			ART UNIT	PAPER NUMBER
			3749	
			MAIL DATE	DELIVERY MODE
			08/25/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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Alexandria, VA 22313-1450  
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Edward Walfred Eskola III  
1823 Shoreline Drive  
Seabrook TX 77586

AUG 25 2010

In re Application of	:	
Edward W. Eskola III	:	DECISION ON PETITION
Application No. 12/859,224	:	TO MAKE SPECIAL UNDER
Filed: August 18, 2010	:	THE GREEN TECHNOLOGY
Attorney ref no.: 112574eweke1	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed August 18, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010).

The petition is **DENIED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009 (see *Requirements* (1) on page 64667 (left column) of the December 8, 2009 Fed. Reg. Notice).

The present application is a nonprovisional application filed under 35 USC 111(a) filed after December 8, 2009. Accordingly, this application is not eligible in the Green Technology Pilot Program.

Telephone inquiries concerning this decision should be directed to Blaine Copenheaver at 571-272-1156.

/Blaine Copenheaver/

---

Blaine Copenheaver  
Quality Assurance Specialist  
Technology Center 1700



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MARTIN D MOYNIHAN d/b/a PRTSI  
PO BOX 16446  
ARLINGTON VA 22215

**MAILED**  
**FEB 29 2012**  
**OFFICE OF PETITIONS**

In re Application of	:	DECISION
Albo, et al.	:	ON PETITION
Application No. 12/859,299	:	
Filed: August 19, 2010	:	
Attorney Docket Number: 49616	:	

This is in response to the petition under 37 CFR 1.84(a)(2), filed August 19, 2010, for acceptance of color drawings.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled, "Renewed Petition under 37 CFR 1.84(a)(2)". No further petition fee is required for a renewed petition.

A grantable petition under 37 C.F.R. 1.84(a)(2) must be accompanied by the following:

- (1) The fee set forth in 37 C.F.R. 1.17(h);
- (2) Three (3) sets of color drawings, or one (1) set if filed via EFS, and
- (3) The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

In addition, MPEP 608.02 states that a petition to accept color drawings will only be granted when the Office "has determined that a color drawing or photograph is the only practical medium by which to disclose in a printed utility patent the subject matter to be patented."

Here, the Office has determined that color drawings are not the only practical medium by which to disclose the subject matter. See, e.g. MPEP 608.02, Section IX, which states that drawing symbols can be used to indicate various materials where the material is an important feature of the invention.

Further correspondence with respect to this matter should be addressed as follows:

By mail:                      Mail Stop Petitions  
                                    Commissioner for Patents  
                                    PO Box 1450  
                                    Alexandria VA 22313-1450

By FAX:                      571-273-8300  
                                    Attn: Office of Petitions

The application is being forwarded to Group Art Unit 2884 for examination in due course.

Telephone inquiries regarding this decision should be directed to the undersigned at (571)272-3207.

A handwritten signature in black ink, appearing to read 'Cliff Congo'.

Cliff Congo  
Petitions Attorney  
Office of Petitions



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United States Patent and Trademark Office  
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Alexandria, VA 22313-1450  
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MARC SIMERAY  
10H, SKYLINE MANSION, SIENA ONE,  
DISCOVERY BAY, LANTAU ISLAND,  
HONG KONG, SAR, CHINA

**MAILED**  
**AUG 08 2011**  
**OFFICE OF PETITIONS**

In re Application of :  
SIMERAY :  
Application No. 12/859,316 : **DECISION ON PETITION**  
Filed: August 19, 2010 :  
Attorney Docket No. :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 28, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed September 2, 2010. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on November 3, 2010. A Notice of Abandonment was mailed May 13, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a properly signed declaration and the required fee; (2) the petition fee of \$810; and (3) a statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

All other inquiries should be directed to the Office of Data Management at (571) 272-4000.

This application is being referred to the Office of Data Management for further pre-examination processing.

/Diane C. Goodwyn/  
Diane C. Goodwyn  
Petitions Examiner  
Office of Petitions



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**SCHWEGMAN, LUNDBERG & WOESSNER, P.A.**  
**P.O. BOX 2938**  
**MINNEAPOLIS MN 55402**

**MAILED**

**OCT 07 2010**

**OFFICE OF PETITIONS**

In re Application of	:	
Lionel Borkan	:	
Application No. 12/859,389	:	ON PETITION
Filed: August 19, 2010	:	
Attorney Docket No. 2995.001US1	:	
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 20, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement (PTO/SB/130 form) by the applicant's attorney that applicant is 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7751. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This matter is being referred to the Technology Center Art Unit 1615 for action on the merits commensurate with this decision.

Joan Olszewski  
Petitions Examiner  
Office of Petitions



**Doc Code: PET.GREEN**

**Document Description: Petition for Green Tech Pilot**

PTO/SB/420 (11-10)

Approved for use through 01/31/2011. OMB 0651-0062

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket  
Number: 239200-1

Application Number  
(if known): 12/859411

Filing date: 8-19-2010

First Named  
Inventor: John Besore

Title: DEMAND RESPONSE MULLION SWEAT PROTECTION

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

**Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.**

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: Statement Concerning the Basis for the Special Status

Signature /Allison W. Mages/

Date 11-23-2011

Name Allison W .Mages  
(Print/Typed)

Registration Number 57,275

**Note:** Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below\*.

☐ \*Total of ..... forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**Instruction Sheet for  
Petition to Make Special Under the Green Technology Pilot Program  
(Not to be Submitted to the USPTO)**

**The following is a summary of the requirements (for more information see the notices (i) "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," (ii) "Elimination of Classification Requirement in the Green Technology Pilot Program," and (iii) "Expansion and Extension of the Green Technology Pilot Program," available on the USPTO web site at [http://www.uspto.gov/patents/init\\_events/green\\_tech.jsp](http://www.uspto.gov/patents/init_events/green_tech.jsp)):**

- 1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111 (a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371, irrespective of the filing date of the application. Reexamination proceedings are excluded from this pilot program.
- 2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.
- 3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice (i) cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice (i) cited above.
- 4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.
- 5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.
- 6) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/859,411	08/19/2010	John K. Besore	239200 (GECZ 201110US01)	7898
27885	7590	12/20/2011	EXAMINER	
FAY SHARPE LLP 1228 Euclid Avenue, 5th Floor The Halle Building Cleveland, OH 44115			TYLER, CHERYL JACKSON	
			ART UNIT	PAPER NUMBER
			3744	
			MAIL DATE	DELIVERY MODE
			12/20/2011	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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FAY SHARPE LLP  
1228 Euclid Avenue, 5th Floor  
The Halle Building  
Cleveland OH 44115

In re Application of	:	
BESORE, JOHN K.	:	DECISION ON PETITION
Application No. 12/859,411	:	TO MAKE SPECIAL UNDER
Filed: Aug. 19, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 239200/GECZ-20111US01	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed Dec. 14, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **dismissed**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii)

greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B); the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived. The petition lacks item # 4.

In regard to item 4, petitioner should note that the instant petition includes a statement identifying the basis for the special status (i.e., whether the instant invention (1) materially enhances the quality of the environment or materially contributes to (2) development of renewable energy resources or energy conservation, or (3) greenhouse gas reduction) as required by sections II and III of the notice. However, as stated in the notice, applicant must also provide a statement pertaining to the materiality standard if the application disclosure is not clear on its face as to the materiality of the basis for the special status of the invention. This petition lacks such a statement and it is not agreed that the application on its face meets that materiality standard. Petitioner states that the claimed refrigeration system relates to green technology. This is not convincing. For example, it is not clear how the claimed "controller operatively connected to one or more power consuming features/functions of the refrigerator, the controller being configured to receive and process a demand response signal and in response thereto operate the appliance in one of a plurality of operating modes including at least a normal operating mode and an energy savings mode, the controller being configured in at least the energy savings mode to inactivate the anti-sweat heater and at least selectively activate the anti-sweat heater for at least a limited time period during the energy savings mode" will provide and enhance the quality of the environment or contribute to development of renewable energy resources or energy conservation or greenhouse gas reduction. The claimed energy savings mode is nothing but switching from a power peak demand period to a power low demand period.

Any reconsideration of this decision should be submitted through the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856. The application will be forwarded to the Technology Center Art Unit 3744 for action in its regular turn.

/Henry C. Yuen/

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Henry C. Yuen  
Quality Assurance Specialist  
Technology Center 3700

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: John K. BESORE )  
Confirmation No.: 7898 )  
Serial No.: 12/859,411 )  
Filing Date: 08-19-2010 )  
Atty Docket No.: 239200-1 (GECZ 201110US01) )

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Request for Reconsideration**

SIR:

This is responsive to the Decision on Petition, dated as mailed 20 December 2011, in the above-referenced application.

Applicant respectfully requests reconsideration of Applicant's Petition to Make Special on the basis that the present invention materially contributes to more efficient utilization of and conservation of energy resources.

The Decision to Make Special Under the Green Technology Pilot Program (hereinafter "the Decision") states that it is not agreed that the application on its face meets the materiality standard. The Decision alleges that Applicant's statement that the claimed refrigeration system relates to green technology is not convincing. The Decision states that it is not clear how the claimed controller operatively connected to one or more power consuming features/functions of the refrigerator, the controller being configured to receive and process a demand response signal and in response thereto operate the appliance in one of a plurality of operating modes including at least a normal operating mode to an energy savings mode, the controller being configured in at least the energy

savings mode to inactivate the anti-sweat heater and at least selectively activate the anti-sweat heater for at least a limited time period during the energy savings mode will provide and enhance the quality of the environment or contribute to the development of renewable energy resources or energy conservation or greenhouse gas reduction. The Decision also states that the energy savings mode is nothing but switching from a power peak demand period to a power low demand period. Applicant does not agree with the comments made in the Decision.

Applicant respectfully submits that the present invention relates to a demand supply response associated with an appliance, and particularly a refrigerator, freezer, wine chiller, etc. where operation of the appliance may be altered in response to a high demand for energy and peak pricing. Selected aspects may find application in related applications. (see at least paragraph [0001]).

It is well known that refrigerators have two or more compartments for storing food items, that is, at least one freezer compartment and at least one fresh food compartment. The locations of the separate compartments may vary, for example, from a bottom mount refrigerator where the freezer is located on the bottom and the fresh food compartment is on top or vice versa, to a side-by-side arrangement where one side is the freezer compartment and the other side is the fresh food compartment. These compartments are divided one from the other by one or more walls that are thermally insulated in order to maintain the temperature in the freezer compartment at, for example, about 0°F and in the



fresh food compartment at approximately 37°F. Of course, these are exemplary temperature ranges only. (see at least paragraph [0002]).

Gaskets are provided to seal around access openings to these compartments and the gaskets extend from peripheral regions of doors that closes the access opening to the respective compartment. The gaskets sealingly contact a generally planar, perimeter surface of the housing or case that surrounds the access opening when the doors are closed. Thus, the metal or housing surface is exposed to 0° air from the freezer compartment, for example, along one edge of the gasket and exposed to ambient air associated with the room along another edge of the gasket. Since the metal housing is thermally conductive, a portion of this metal (sometimes referred to as a mullion bar), or specifically that housing area between a pair of gaskets, conducts the heat in and conducts the cold out. As a result, a gap region of the housing between the gaskets or adjacent the gaskets is exposed to ambient air and can be at a temperature below the dew point temperature. Fog or moisture can form beads of sweat in this mullion region and the beads can coalesce to form water droplets that potentially reach the floor. (see at least paragraph [0003]).

To prevent the formation of moisture or sweat in these regions, a heater such as a low wattage electric resistance heater is typically employed. This heater(s) is sometimes referred to as an anti-sweat or mullion heater. One type of these heaters operates on approximately 8 to 12 watts and is preferably a fine nichrome wire heater wrapped in and insulated by a surrounding vinyl sheathing. The wire is disposed on a cloth carrier that is attached to an adhesive backed

foil. These small resistance-type heaters are usually secured to those areas of the refrigerator where sweat is likely to collect, for example along edges of the door, case flange, mullion, etc. In a side-by-side refrigerator, the gaskets of the side-by-side doors form a generally vertically extending channel there between which can contribute to potential water drippage through the channel.

Understandably, water dripping on the floor adjacent the refrigerator is undesirable and thus the anti-sweat heaters are used to raise the temperature in these regions above the dew point. (see at least paragraph [0004]).

In response to utility companies beginning to charge higher rates during peak demand periods, there is a desire to control or reduce energy use by appliances which also results in a potential cost savings for the consumer/homeowner. Various responses have been proposed for different appliances, including refrigerators, when higher rates are being charged during peak demand periods. Generally speaking, inactivating or disabling anti-sweat heaters is sometimes avoided as a viable demand response option during peak pricing because of the potential concern that moisture or water could reach the floor. It is recognized that peak pricing periods could last two to four hours or more and, in this time frame, there is the possibility that sweat could develop in such regions. Moreover, 8-12 watts is deemed to be a relatively small value and thus proposed demand responses have focused on other energy and cost saving areas that could result in a greater energy savings. (see at least paragraph [0005]).

Embodiments of the present invention provide an appliance, for example a refrigerator, that includes a housing having a cooled storage compartment and an anti-sweat heater for warming at least a portion of the housing exposed to the ambient air. A controller is operatively connected to one or more power consuming features or functions of the refrigerator. The controller is configured to operate the appliance in a normal operating mode and/or an energy savings mode, specifically inactivating the anti-sweat heater in the energy savings mode, but activating the anti-sweat heater for at least a limited time period during the energy savings mode to limit sweat and moisture. (see at least paragraph [0007]).

Once the anti-sweat heaters are turned on in the energy savings mode as a result of detecting moisture or fog, the sensor can continue to monitor the impedance and can shut off the heaters when the moisture is evaporated away or after a predetermined time, to provide for reduced energy use and associated cost savings. (see at least paragraph [0034]). Embodiments of the present invention recognize the importance of anti-sweat heaters that prevent the formation of beads of sweat in an appliance and prevent water droplets that could potentially reach the floor. Embodiments of the present invention ensure such anti-sweat heaters achieve their intended purposes while also operating in a manner that reduces an appliance's overall consumption of energy. This in turn promotes more efficient utilization of and conservation of energy resources.

The undersigned attorney may be contacted at the number below to facilitate the resolution of any matters. Please charge any fees that are incurred in connection with this Statement to deposit account no. 09-0470.

Respectfully submitted,

General Electric Company

By : /Allison W Mages /  
Allison Weiner Mages  
Reg. No. 57,275

Dated: January 20, 2012

GE Global Patent Operation  
2 Corporate Drive, Suite 648  
Shelton, CT 06484  
203-944-6755



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/859,411	08/19/2010	John K. Besore	239200 (GECZ 201110US01)	7898
27885	7590	01/30/2012	EXAMINER	
FAY SHARPE LLP 1228 Euclid Avenue, 5th Floor The Halle Building Cleveland, OH 44115			TYLER, CHERYL JACKSON	
			ART UNIT	PAPER NUMBER
			3744	
			MAIL DATE	DELIVERY MODE
			01/30/2012	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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FAY SHARPE LLP  
1228 Euclid Avenue, 5th Floor  
The Halle Building  
Cleveland OH 44115

1/30/12

In re Application of	:	
John K. Besore	:	DECISION ON PETITION
Application No. 12/859,411	:	TO MAKE SPECIAL UNDER
Filed: August 19, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 239200 (GECZ 201110US01)	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed January 20, 2012, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010), 75 Federal Register Notice 69049 (November 10, 2010) and 76 Federal Register Notice 77979 (December 15, 2011).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded “special” status.

Telephone inquiries concerning this decision should be directed to Blaine Copenheaver at 571-272-1156.

/Blaine Copenheaver/

---

Blaine Copenheaver  
Quality Assurance Specialist  
Technology Center 1700



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United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**PATENT, COPYRIGHT & TRADEMARK LAW GROUP**  
**4199 Kinross Lakes Parkway**  
**Suite 275**  
**RICHFIELD OH 44286**

**MAILED**  
**OCT 28 2010**  
**OFFICE OF PETITIONS**

In re Application of	:	
Harvey Lewis Stein	:	
Application No. 12/859,415	:	DECISION ON PETITION
Filed: August 19, 2010	:	TO MAKE SPECIAL UNDER
Attorney Docket No. ST-2145	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 19, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a declaration by inventor Harvey Lewis Stein attesting to his age. The above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3751 for action on the merits commensurate with this decision.

/Kimberly Inabinet/

Kimberly Inabinet  
Petitions Examiner  
Office of Petitions





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Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

Mossman, Kumar and Tyler, PC  
P.O. Box 421239  
Houston, TX 77242

**MAILED**

**JAN 20 2011**

**OFFICE OF PETITIONS**

In re Application of  
Jamie L. Imhoff, et. al.  
Application No. 12/859,485  
Filed: August 19, 2010  
Attorney Docket No. LIH4-50662-US

DECISION GRANTING STATUS  
UNDER 37 CFR 1.47(a)

This is in response to the petition under 37 CFR 1.47(a), filed November 5, 2010.

The petition is **GRANTED**.

Petitioner has shown that the non-signing inventor refuses to join in the filing of the above-identified application.

The application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith  
Petitions Examiner  
Office of Petitions



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Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Kris Church  
3507 Honea Egypt Rd.  
Montgomery, TX 77316

**MAILED**

JAN 20 2011

**OFFICE OF PETITIONS**

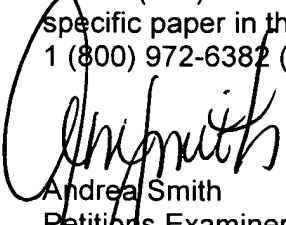
In re Application of  
Jamie L. Imhoff, et. al.  
Application No. 12/859,485  
Filed: August 19, 2010  
For: INTEGRATED MACHINING AND PART INSPECTION METHOD

Dear Mr. Church:

You are named as a joint inventor in the above-identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3226. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application should be directed to the Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington, DC area).

  
Andrea Smith  
Petitions Examiner  
Office of Petitions

cc: Mossman, Kumar and Tyler, PC  
P.O. Box 421239  
Houston, TX 77242



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Commissioner for Patents  
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P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**MAILED**  
**FEB 06 2012**  
**OFFICE OF PETITIONS**

**HOWARD & HOWARD ATTORNEYS PLLC**  
**450 West Fourth Street**  
**Royal Oak MI 48067**

In re application of	:	DECISION ON REQUEST TO
Roger Kemper	:	PARTICIPATE IN PATENT
Serial No. 12/859,550	:	PROSECUTION HIGHWAY
Filed: August 19, 2010	:	PROGRAM AND
For: VIDEO SLOT GAMING MACHINE	:	PETITION TO MAKE SPECIAL
	:	UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program filed December 7, 2011.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application for which participation in the PPH program is requested and the corresponding IPAU application must have the same priority/filing date. In particular, the U.S. application (including national stage entry of a PCT application and a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit and under 35 U.S.C. 120 to a PCT application):
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the IPAU application(s);
- (3) All of the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the IPAU application(s); and
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of all of the Office actions from each of the IPAU application(s);
- (6) Applicant must submit:
  - a. An IDS listing the documents cited by the IPAU examiner in the IPAU Office action(s) (unless already submitted in this application)
  - b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application); and

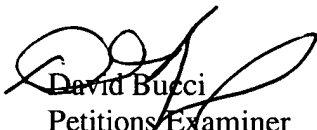
Application No. 12/859,550

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

This application will be forwarded to the examiner for action on the merits commensurate with this decision.

  
David Bucci  
Petitions Examiner  
Office of Petitions

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: Roelant van der BOS )  
Confirmation No.: 8221 )  
Serial No.: 12/859,585 )  
Filing Date: August 19, 2010 )  
Atty Docket No.: 244682-1 )

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Statement Concerning the Basis for the Special Status**

SIR:

Applicant respectfully submits that Special Status is sought on the basis that the present invention materially contributes to the development of renewable energy resources or energy conservation.

Applicant respectfully submits that the present invention is directed to blade joints for joining blade segments in wind turbine rotor blades. As the size of wind turbines increases, particularly the size of the rotor blades, so do the respective costs of manufacturing, transporting, and assembly of the wind turbines. The economic benefits of increased wind turbine sizes must be weighed against these factors. For example, the costs of pre-forming, transporting, and erecting a wind turbine having rotor blades in the range of 90 meters may significantly impact the economic advantage of a larger wind turbine. One known strategy for reducing the costs of pre-forming, transporting, and erecting wind turbines having rotor blades of increasing sizes is to manufacture the rotor blades in blade segments. The blade segments may be assembled to form the

rotor blade after, for example, the individual blade segments are transported to an erection location. However, known devices and apparatus for connecting the blade segments together may have a variety of disadvantages. For example, many known devices cause alignment difficulties because of the relatively large span-wise movement that is required of the blade segments relative to each other during assembly, and inspection of the adjacent blade segments after assembly may be relatively difficult. Additionally, the application of, for example, a bonding material to known devices may be difficult. For example, known devices may cause difficulties in observing and inspecting the injection or infusion of bonding material between adjacent blade segments. Further, known connection devices generally do not allow for disassembly after the rotor blade has been formed, thus preventing the removal of individual blade segments for inspection, maintenance, replacement, or upgrading.

Beneficially, the joint portion and blade segment of the present disclosure may simplify the assembly of adjacent blade segments into a rotor blade and allow for more accurate assembly of the blade segments into the rotor blade. For example, the blade segments of the present disclosure may require relatively less movement of adjacent blade segments relative to each other in the span-wise direction for accurate assembly, thus reducing the likelihood of errors in assembly. Further, inspection of the rotor blade for accurate assembly may be completed by simply reviewing the interface at the joint portions of adjacent blade segments to determine, for example, that the leading edges and trailing edges of the adjacent blade segments are flush with each other. Additionally, the joint

portions and blade segments of the present disclosure may allow for disassembly of the individual blade segments as required or desired after assembly. Accordingly, the present invention minimizes the associated transportation and assembly costs of the wind turbine without sacrificing the structural rigidity and energy efficiencies of the wind turbine, which in turn promotes the increased energy production.

The undersigned attorney may be contacted at the number below to facilitate the resolution of any matters. Please charge any fees that are incurred in connection with this Statement to deposit account no. 09-0470.

Respectfully submitted,

General Electric Company

By : /Douglas D. Zhang/  
Douglas D. Zhang  
Reg. No. 37,985

Dated: December 28, 2010

GE Global Patent Operation  
2 Corporate Drive, Suite 648  
Shelton, CT 06484  
203-944-6755

Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (11-10)

Approved for use through 01/31/2011. OMB 0651-0062

U.S. Patent and Trademark Office: U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: 244682-1	Application Number (if known): 12/859,585	Filing date: August 19, 2010
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First Named Inventor: Roelant van der BOS

Title: WIND TURBINE ROTOR BLADE JOINT

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

**Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.**

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: Statement Concerning the Basis for the Special Status

Signature /Douglas D. Zhang/

Date December 28, 2010

Name Douglas D. Zhang  
(Print/Typed)

Registration Number 37,985

**Note:** Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below\*.

☐ \*Total of \_\_\_\_\_ forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
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Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/859,585	08/19/2010	Roclant van der Bos	244682/GEC-149	8221
87853	7590	01/11/2011		
Dority & Manning, PA and General Electric Company Post Office Box 1449 Greenville, SC 29602			EXAMINER LIGHTFOOT, ELENA TSOY	
			ART UNIT	PAPER NUMBER
			1715	
			MAIL DATE	DELIVERY MODE
			01/11/2011	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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Dority & Manning, PA and General Electric Company  
Post Office Box 1449  
Greenville SC 29602

JAN 11 2011

In re Application of	:	
Van Der Bos	:	DECISION ON PETITION
Application No. 12/859,585	:	TO MAKE SPECIAL UNDER
Filed: 8/19/2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 244682/GEC-149	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 12/30/2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded “special” status.

Telephone inquiries concerning this decision should be directed to Tom Dunn at 571-272-1171.

The application is being forwarded to the Technology Center Art Unit 1715 for action on the merits commensurate with this decision.

/Tom Dunn/

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Tom Dunn  
Quality Assurance Specialist  
Technology Center 1700



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LOWE HAUPTMAN HAM & BERNER, LLP  
1700 DIAGONAL ROAD  
SUITE 300  
ALEXANDRIA VA 22314

**MAILED**

**FEB 14 2011**

**OFFICE OF PETITIONS**

In re Application of :  
Hsu, et al. : **ON PETITION**  
Application No.: 12/859,586 :  
Filed: August 19, 2010 :  
Attorney Docket No.: 4698-081 :

A petition under 37 CFR 1.47(a) was received in the United States Patent and Trademark Office (Office) on December 10, 2010.

Petitioners are reminded that a grantable petition under 37 CFR 1.47(a) requires:

- (1) a petition including proof of the pertinent facts establishing that the joint inventor refuses to join, or cannot be found or reached after diligent effort,
- (2) a proper oath or Declaration executed by the available joint inventor(s),
- (3) the petition fee of \$200 as specified in 37 CFR § 1.17(g), and
- (4) the last known address of the omitted inventor.

It appears that petitioners did not pay the \$200.00 Rule 47(a) petition fee.

The merits of the petition will not be addressed until the petition fee is paid.

The petition under 37 CFR 1.47(a) is **dismissed**.

Petitioners must submit the petition fee within **TWO (2) months** of the mail date of this decision. **Failure to respond will result in abandonment of the application.**

Further correspondence with respect to this matter should be addressed as follows:


**By mail:** Mail Stop PETITION  
Commissioner for Patents  
Post Office Box 1450  
Alexandria, VA 22313-1450

**By hand:** U.S. Patent and Trademark Office  
Customer Service Window, Mail Stop Petition  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

**By FAX:** (571) 273-8300 - ATTN: Office of Petitions

**By internet:** EFS-Web  
[www.uspto.gov/ebs/efs\\_help.html](http://www.uspto.gov/ebs/efs_help.html)  
(for help using EFS-Web call the  
Patent Electronic Business Center  
at (866) 217-9197)

Telephone inquiries should be directed to the undersigned at (571) 272-3230.

  
Shirene Willis Brantley  
Senior Petitions Attorney  
Office of Petitions



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LOWE HAUPTMAN HAM & BERNER, LLP  
1700 DIAGONAL ROAD  
SUITE 300  
ALEXANDRIA VA 22314

**MAILED**

**MAR 08 2011**

**OFFICE OF PETITIONS**

In re Application of	:	
Hsu, et al.	:	ON PETITION
Application No.: 12/859,586	:	
Filed: August 19, 2010	:	
Attorney Docket No.: 4698-081	:	

This is in response to the renewed petition under 37 CFR 1.47(a), filed February 18, 2011.

The petition is **GRANTED**.

Petitioners have shown that the non-signing inventor, Cheng-Ming Huang, has constructively refused to join in the filing of the above-identified application.

The application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This application is being referred to the Office of Patent Application Processing for further pre-examination processing.

Telephone inquiries should be directed to the undersigned at (571) 272-3230.

*Shirene Willis Brantley*  
Shirene Willis Brantley  
Senior Petitions Attorney  
Office of Petitions

**REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY – PATENT  
PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM IN A U.S.  
APPLICATION WHERE THE USPTO WAS THE ISA OR IPEA**

Application No.:	12/859,590	First Named Inventor:	OSCAR N. RUIZ
Filing Date:	08-19-2010	Attorney Docket No.:	602.10
Title of the Invention:	HEAVY METAL REMEDIATION SYSTEM		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT [HTTP://WWW.USPTO.GOV/EFW/EFW\\_HELP.HTML](http://www.uspto.gov/efw/efs_help.html).

**APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PILOT PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PILOT PROGRAM.**

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/US10/46084. Both the domestic and PCT applications claim priority to U.S. Provisional application 61/235,624. The PCT and the present domestic application have identical specifications.

The international filing date of the corresponding PCT application(s) is/are: 08/19/2010

**I. List of Required Documents:**

- a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)**
  - ☒ is attached.
  - ☐ is not attached because the document is already in the U.S. application.
- b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s)**
  - ☒ is attached.
  - ☐ is not attached because the document is already in the U.S. application.
- c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**
- d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**
  - ☐ is attached.
  - ☒ has already been filed in the above-identified U.S. application on 10/26/2011
- (2) Copies of all documents (except for U.S. patents or U.S. patent application publications)**
  - ☐ are attached.
  - ☒ have already been filed in the above-identified U.S. application on 10/26/2011



# REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM IN A U.S. APPLICATION WHERE THE USPTO WAS THE ISA OR IPEA

(continued)

Application No.: 12/859,590 First Named Inventor: OSCAR N. RUIZ

## II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT application	Explanation regarding the correspondence
21	11	identical
22	12	identical
23	13	identical
24	15	identical
25	16	identical
26	17	identical
27	18	identical
28	19	identical
29	20	identical
30	21	identical
31	22	identical
32	23	identical
33	24	identical
34	25	identical
35	26	identical
36	27	identical
37	28	identical
38	33	identical
39	35	Only difference is an antecedent basis. See also PCT claim 8 for correspondence of claim scope
40	37	identical

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /michael david/

Date March 1, 2012

Name (Print/Typed) Michael David

Registration Number 44,642

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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Capitol City TechLaw, PLLC  
7164 Columbia Gateway Drive  
Suite 205  
Columbia MD 21046

**MAILED**

MAR 12 2012

**OFFICE OF PETITIONS**

In re Application of  
Oscar N. Ruiz  
Application No.: 12/859,590  
Filed: August 19, 2010  
Atty. Docket No.: 602.10  
For: Heavy Metal Remediation System

: DECISION ON REQUEST TO  
: PARTICIPATE IN THE PATENT  
: PROSECUTION HIGHWAY  
: PROGRAM AND PETITION  
: TO MAKE SPECIAL UNDER  
: 37 CFR 1.102(a)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed on March 1, 2012, to make the above-identified application special.

The request and petition are **GRANTED**.

**Discussion**

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

- 1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are Australia, Austria, China, EPO, Finland, JPO, Korea, NPI, Russia, Spain, Sweden and the USPTO;
- (2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;
- (3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;
- (4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate if the latest international work product is not in the English language;

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PCT-PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.

This application will be forwarded to the examiner for action on the merits commensurate with this decision.



Thurman Page  
Petitions Examiner  
Office of Petitions



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United States Patent and Trademark Office  
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/859,590	08/19/2010	OSCAR N. RUIZ	602.10

103693  
Capitol City TechLaw, PLLC  
7164 Columbia Gateway Drive  
Suite 205  
Columbia, MD 21046

**CONFIRMATION NO. 8238**  
**POA ACCEPTANCE LETTER**



Date Mailed: 03/08/2012

**NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 03/07/2012.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/kainabinet/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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VARIAN SEMICONDUCTOR EQUIPMENT ASSOCIATES  
35 DORY ROAD  
GLOUCESTER MA 01930-2297

MAILED

MAR 11 2011

OFFICE OF PETITIONS

In re Application of  
Martin et al.  
Application No. 12/859,606  
Filed: August 19, 2010  
Attorney Docket No. 2009-109

ON PETITION

This is a decision on the petition under 37 CFR 1.182, filed, January 17, 2011, to delete the incorrect inventor name of "Daniel Oh".

The petition is **DISMISSED AS MOOT.**

Petitioner contends that the inventor Choong-Young Oh deleted the English version of his Korean name, Daniel Oh, and added his Korean legal name on the Oath/Declaration submitted on September 28, 2010. Therefore, in the USPTO system, both Daniel Oh and Choong-Young Oh are listed as separate inventors.

In order to delete an inventor from an application petitioner may wish to file a petition under 37 CFR 1.48.

37 CFR 1.48 - Correction of inventorship in a patent application, other than a reissue application, pursuant to 35 U.S.C. 116.

(a) *Nonprovisional application after oath/declaration filed.* If the inventive entity is set forth in error in an executed § 1.63 oath or declaration in a nonprovisional application, and such error arose without any deceptive intention on the part of the person named as an inventor in error or on the part of the person who through error was not named as an inventor, the inventorship of the nonprovisional application may be amended to name only the actual inventor or inventors. Amendment of the inventorship requires:

- (1) A request to correct the inventorship that sets forth the desired inventorship change;
- (2) A statement from each person being added as an inventor and from each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or her part;

- (3) An oath or declaration by the actual inventor or inventors as required by § 1.63 or as permitted by §§ 1.42, 1.43 or § 1.47;
- (4) The processing fee set forth in § 1.17(i); and
- (5) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see § 3.73(b) of this chapter).

In view of the above, the petition fee of \$400.00 will be refunded to petitioner's deposit account in due course.

Further, although the petition is signed by a registered patent attorney/agent it does not set forth a USPTO registration number. Petitioner should note that all documents submitted before the United States Patent and Trademark Office by a registered patent attorney/agent must contain his/her registration number. However, the accompanying document does include the signature and registration number for Changhoon Choi. Therefore, the petition is accepted as being properly signed.

Any questions concerning this matter may be directed to Joan Olszewski at (571) 272-7751.

/Liana Walsh/  
Liana Walsh  
Petitions Examiner  
Office of Petitions



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/859,697	08/19/2010	Marcio de Castro SILVA FILHO	Q119440	8423
23373 7590 05/10/2011 SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037				
			EXAMINER	
			ART UNIT	PAPER NUMBER
			2123	
			NOTIFICATION DATE	DELIVERY MODE
			05/10/2011	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

sughrue@sughrue.com  
PPROCESSING@SUGHRUE.COM  
USPTO@SUGHRUE.COM





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SUGHRUE MION, PLLC  
2100 PENNSYLVANIA AVENUE, N.W.  
SUITE 800  
WASHINGTON DC 20037

In re Application of:  
SILVA FILHO, Marcio de Castro et al.  
Application No. 12/859,697  
Filed: August 19, 2010  
For: **GENERATION AND REPRODUCTION  
OF DNA SEQUENCES AND ANALYSIS  
OF POLYMORPHISMS AND  
MUTATIONS BY USING ERROR-  
CORRECTING CODES**

**DECISION ON PETITION  
UNDER 37 C.F.R. § 1.84(a)(2)  
TO ACCEPT COLOR  
DRAWINGS**

This is a decision on the petition under 37 C.F.R. § 1.84(a)(2), filed on August 19, 2010, requesting acceptance of color drawings.

The petition requests that the color drawings of Figures 4, 5 and 7-186 be accepted in lieu of black and white drawings.

A grantable petition under 37 C.F.R. § 1.84(a)(2) must be accompanied by a fee set forth under 37 C.F.R. § 1.17(h), explanation why the color drawings are necessary, 3 (three) sets of the color drawings in question, and the specification must contain, or be amended to contain, the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings:

*"the file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."*

The petition was filed with the required fee and was filed with three (3) copies of color drawings of Figures 4, 5 and 7-186. Paragraph [40] of the specification contains the required notification described above. However, the petition lacks an explanation why the color drawings are necessary. Furthermore, the figures identified in the petition as being in color is not consistent with the drawings filed on August 19, 2010. For instance, Figure 144A appears to be in black and white. Such inconsistency must be removed from the renewed petition.

Accordingly, the petition is **DISMISSED**.

*A renewed petition under 37 CFR § 1.84(a)(2) must be filed within TWO (2) MONTHS of this decision. If applicant fails to file a renewed petition within TWO (2) MONTHS, the drawings will be printed in black and white.*

Serial No.: 12/859697  
Decision on Petition

- 2 -

Any inquiry regarding this decision should be directed to Eddie C. Lee at (571) 272-1732.

*/Eddie C. Lee*

---

Eddie C. Lee  
Quality Assurance Specialist, TC 2100



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/859,697	08/19/2010	Marcio de Castro SILVA FILHO	Q119440	8423

23373 7590 09/08/2011  
SUGHRUE MION, PLLC  
2100 PENNSYLVANIA AVENUE, N.W.  
SUITE 800  
WASHINGTON, DC 20037

EXAMINER	
ART UNIT	PAPER NUMBER
2123	

NOTIFICATION DATE	DELIVERY MODE
09/08/2011	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

sughrue@sughrue.com  
PPROCESSING@SUGHRUE.COM  
USPTO@SUGHRUE.COM



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SUGHRUE MION, PLLC  
2100 PENNSYLVANIA AVENUE, N.W.  
SUITE 800  
WASHINGTON DC 20037

In re Application of:  
SILVA FILHO, Marcio de Castro et al.  
Application No. 12/859,697  
Filed: August 19, 2010  
For: **GENERATION AND REPRODUCTION  
OF DNA SEQUENCES AND ANALYSIS  
OF POLYMORPHISMS AND  
MUTATIONS BY USING ERROR-  
CORRECTING CODES**

**DECISION ON PETITION  
UNDER 37 C.F.R. § 1.84(a)(2)  
TO ACCEPT COLOR  
DRAWINGS**

This is a decision on the renewed petition under 37 C.F.R. § 1.84(a)(2), filed on June 10, 2011, requesting acceptance of color drawings.

The petition requests that the color drawings of Figures 4, 5, 7-143 and 144B-186 be accepted in lieu of black and white drawings.

A grantable petition under 37 C.F.R. § 1.84(a)(2) must be accompanied by a fee set forth under 37 C.F.R. § 1.17(h), 3 (three) sets of the color drawings in question, and the specification must contain, or be amended to contain, the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings:

*"The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawings will be provided by the U.S. Patent and Trademark Office upon request and payment of the necessary fee."*

The petition was filed with the required fee and was filed with one set of color drawing Figures 4, 5, 7-143 and 144B-186, via EFS Web. Paragraph [0040] of the specification contains the required notification described above.

Accordingly, the petition is **GRANTED**.

Any inquiry regarding this decision should be directed to Eddie C. Lee at (571) 272-1732.

*/Eddie C. Lee*

Eddie C. Lee  
Quality Assurance Specialist, TC 2100



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In re Application of  
Karl Westermann

Application No. 12859718

Filed:

Attorney Docket No. WSTR002US0

:  
:

:DECISION ON PETITION TO MAKE SPECIAL  
:UNDER 37 CFR 1.102(c)(1)

:

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 20-AUG-2010 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.



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PFIZER INC  
10555 SCIENCE CENTER DRIVE  
SAN DIEGO CA 92121

**MAILED**

**MAR 14 2011**

**OFFICE OF PETITIONS**

In re Application of	:	
Haubrich, et al.	:	DECISION GRANTING STATUS
Application No. 12/859,725	:	UNDER 37 CFR 1.47(a)
Filed: August 19, 2010	:	
Attorney Docket No. PC33873A	:	

This is in response to the petition under 37 CFR 1.47(a), filed February 2, 2011.

The petition is **GRANTED**.

Petitioner has shown that the non-signing inventor, Michael A. North, has constructively refused to join in the filing of the above-identified application.

The application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This application is being referred to the Office of Patent Application Processing for further pre-examination processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley  
Senior Petitions Attorney  
Office of Petitions



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**WAGNER, ANDERSON & BRIGHT, LLP**  
**3541 OCEAN VIEW BLVD**  
**GLENDALE CA 91208**

**MAILED**

**SEP 27 2010**

**OFFICE OF PETITIONS**

In re Application of  
Jacob Y. WONG  
Application No. 12/859,749  
Filed: August 19, 2010  
Attorney Docket No. RLA 35.155A

DECISION ON PETITION  
TO MAKE SPECIAL UNDER  
37 CFR 1.102(c)(1)

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 19, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a declaration statement by applicant. Accordingly, the above-identified application has been accorded "special" status.

This application is being referred back to the Office of Data Management for processing. This application will be accorded "special" status when pre-examination processing is done.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

All other inquiries should be directed to the Office of Data Management at (571) 272-4000.

/dcg/  
Diane C. Goodwyn  
Petitions Examiner  
Office of Petitions



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**SPRIEGEL AND ASSOCIATES  
110 WEST STREETSBORO STREET  
L4 AND L14  
HUDSON OH 44236**

**MAILED**

**DEC 30 2011**

**OFFICE OF PETITIONS**

In re Application of	:	
<b>YERIAN</b> , Emerson T.	:	
Application No. 12/859,771	:	DECISION ON PETITION
Filed: August 19, 2010	:	TO WITHDRAW
Attorney Docket No. <b>YERP101US</b>	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 20, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Andrew R. Spiegel on behalf of all attorneys of record who are associated with customer No. 96218. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor Emerson Yerian at the address indicated below.



There is an outstanding Office action mailed September 20, 2011 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4231.

/Michelle R. Eason/  
Michelle R. Eason  
Paralegal Specialist  
Office of Petitions

cc: **EMERSON YERIAN**  
**68 NORTH PORTAGE STREET**  
**DOYLESTOWN, OH 44230**



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**OBLON, SPIVAK, MCCLELLAND MAIER &  
NEUSTADT, LLP  
1940 DUKE STREET  
ALEXANDRIA VA 22314**

**MAILED**

**OCT 20 2010**

**OFFICE OF PETITIONS**

In re Application of :  
Satoshi Takemiya et al :  
Application No. 12/859,793 : **DECISION ON REQUEST FOR REFUND**  
Filed: August 20, 2010 :  
Attorney Docket No. 368310US99XDIV :

This is a decision on the Request For Refund filed October 5, 2010.

The request is **DISMISSED**.

The request is dismissed because USPTO regulations require that papers filed in the application be signed by a registered attorney or agent, by the applicants (inventors) or by the assignee of the entire interest who has taken action in the application in accordance with 37 CFR 3.71. The request is signed by Scott Lohr. Note 37 CFR 1.33(b) which states:

- (b) Amendments and other papers. Amendments and other papers, except for written assertions pursuant to § 1.27(c)(2)(ii) of this part, filed in the application must be signed by:
- (1) A registered patent attorney or patent agent of record appointed in compliance with § 1.32(b);
  - (2) A registered patent attorney or patent agent not of record who acts in a representative capacity under the provisions of § 1.34;
  - (3) An assignee as provided for under § 3.71(b) of this chapter; or
  - (4) All of the applicants (§ 1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with § 3.71 of this chapter.

Therefore, the request for refund is dismissed at this time.

Further correspondence with respect to this matter should be delivered through one of the following mediums:

By mail:                   Mail Stop PETITIONS  
                              Commissioner for Patents  
                              Post Office Box 1450  
                              Alexandria, VA 22313-1450

By hand:                   Customer Service Window  
                              Mail Stop Petitions  
                              Randolph Building  
                              401 Dulany Street  
                              Alexandria, VA 22314

By fax:                   (571) 273-8300  
                              ATTN: Office of Petitions

By internet:              EFS-Web  
                              [www.uspto.gov/ebc/efs\\_help.html](http://www.uspto.gov/ebc/efs_help.html)  
                              (for help using EFS-Web call the  
                              Patent Electronic Business Center  
                              at (866) 217-9197)

Any questions concerning this matter may be directed to the undersigned at (571) 272-3208.

/KOC/  
Karen Creasy  
Petitions Examiner  
Office of Petitions



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**MAILED**

**NOV 26 2010**  
**OFFICE OF PETITIONS**

**OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.**  
**1940 DUKE STREET**  
**ALEXANDRIA VA 22314**

In re Application of :  
Satoshi Takemiya et al :  
Application No. 12/859,793 : **DECISION ON REQUEST FOR REFUND**  
Filed: August 20, 2010 :  
Attorney Docket No. 368310US00XDIV :

This is a decision on the Request For Refund filed November 1, 2010.

The request is Granted-inpart.

Applicant states that "On August 20, 2010, the PTO's automated systems were "down" for extended periods and as a result out office did not receive an electronic acknowledgement after the filing the application." Applicants further states that "Per instructions from the EBC, we proceeded to paper file the application which resulted in the duplicate filing as the original electronic filing was received and assigned Serial Number 12/805,819."

Applicant now files the above request for refund of the filing fees (\$1,090.00) paid in Application No. 12/859,793. The request for refund of the filing fees is also being construed as a request to expressly abandon the above-mentioned application.

MPEP 607.02 states:

When an applicant or patentee takes an action "by mistake" (e.g., files an application or maintains a patent in force "by mistake"), the submission of fees required to take that action (e.g., a filing fee submitted with such application or a maintenance fee submitted for such patent) is **not** a "fee paid by mistake" within the meaning of 35 U.S.C. 42(d).

37 CFR 1.26(a) also provides that a change of purpose after the payment of a fee, as when a party desires to withdraw the filing of a patent application for which the fee was paid, will not entitle the party to a refund of such fee.

Therefore, since the application was not filed by mistake, applicant is only entitled to a refund of the search fee (\$540.00) paid on August 20, 2010, as an express abandonment pursuant to 37 CFR 1.138(d) to obtain a refund of the search and excess claim fees can only be processed **before** an examination has been made of the application. Accordingly, the fee of \$540.00 is being refunded to deposit account no. 15-0030 as authorized.

As to applicant's statement "Per instructions from the EBC, we proceeded to paper file the application which resulted in the duplicate filing as the original electronic filing was received and assigned Serial Number 12/805,817," applicant is encouraged to note 37 CFR 1.2 which states:

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

As no further action will be taken in this application, this matter is being referred to the Office of Patent Publication for express abandonment of the subject application.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3208.

/KOC/  
Karen Creasy  
Petitions Examiner  
Office of Petitions



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In re Application of  
William E. Kuskie

Application No. 12859796

Filed:

Attorney Docket No. 3131

:  
:

:DECISION ON PETITION TO MAKE SPECIAL  
:UNDER 37 CFR 1.102(c)(1)

:

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 07-SEP-2010 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/859,809	08/20/2010	Taketoshi Yamahata	1032817-000078	8699
21839 7590 10/12/2011 BUCHANAN, INGERSOLL & ROONEY PC POST OFFICE BOX 1404 ALEXANDRIA, VA 22313-1404			EXAMINER HASKINS, TWYLER LAMB	
			ART UNIT 2625	PAPER NUMBER
			NOTIFICATION DATE 10/12/2011	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ADIPFDD@bipc.com  
offserv@bipc.com



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**BUCHANAN, INGERSOLL & ROONEY  
PC  
POST OFFICE BOX 1404  
ALEXANDRIA VA 22313-1404**

**In re Application of**

**YAMAHATA et al.**

**Application No.: 12/859,809**

**Filed: 20 August 2010**

**Attorney Docket No.: 1032817-000078**

**For: IMAGE FORMING APPARATUS,  
COMPUTER-READABLE STORAGE  
MEDIUM FOR COMPUTER  
PROGRAM, AND CONTROL  
METHOD THEREOF**

**: DECISION ON REQUEST TO  
: PARTICIPATE IN THE PATENT  
: PROSECUTION HIGHWAY  
: PROGRAM AND PETITION  
: TO MAKE SPECIAL UNDER  
: 37 CFR 1.102(a)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 26 September 2011, to make the above-identified application special.

The request and petition are **DISMISSED**.

A grantable request to participate in the PPH program and petition to make special require:

1. The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority then the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;
2. Applicant must submit a copy of:
  - a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
  - b. An English translation of the allowable/patentable claim(s) and
  - c. A statement that the English translation is accurate;
3. Applicant must
  - a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
  - b. Submit a claims correspondence table in English;



4. Examination of the U.S. application has not begun;
5. Applicant must submit:
  - a. Documentation of prior office action:
    - i. a copy of the office action(s) just prior to the “Decision to Grant a Patent” from each of the JPO application(s) containing the allowable/patentable claim(s) or
    - ii. if the allowable/patentable claims(s) are from a “Notification of Reasons for Refusal” then the Notification of Reasons for Refusal or
    - iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;Further, if a copy of the documents from a or b above is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
  - b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
  - c. A statement that the English translation is accurate;
6. Applicant must submit:
  - a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
  - b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

Conditions (1-2) and (4-6) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fails meet condition (3).

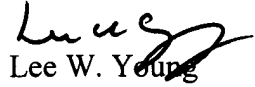
Regarding the requirement of condition (3), applicant has failed to ensure that all the claims in the U.S. application sufficiently correspond to the allowable/patentable claims in the JPO application. For example only, US claim 17 clearly does not correspond to JP claim 9.

Applicant is given **ONE** opportunity within a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be filed via the Electronic Filing System (EFS) using the document description: Petition to make special under Patent Pros Hwy. Any preliminary amendments and IDS submitted with the PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.

A handwritten signature in black ink, appearing to read 'Lee W. Young', is positioned above the printed name.

Lee W. Young  
Quality Assurance Specialist  
Technology Center 2600



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/859,809	08/20/2010	Taketoshi Yamahata	1032817-000078	8699
21839 7590 11/16/2011 BUCHANAN, INGERSOLL & ROONEY PC POST OFFICE BOX 1404 ALEXANDRIA, VA 22313-1404			EXAMINER HASKINS, TWYLER LAMB	
			ART UNIT	PAPER NUMBER
			2625	
			NOTIFICATION DATE	DELIVERY MODE
			11/16/2011	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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offserv@bipc.com



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**BUCHANAN, INGERSOLL & ROONEY  
PC  
POST OFFICE BOX 1404  
ALEXANDRIA VA 22313-1404**

**In re Application of**

**YAMAHATA et al.  
Application No.: 12/859,809  
Filed: 20 August 2010  
Attorney Docket No.: 1032817-000078  
For: IMAGE FORMING APPARATUS,  
COMPUTER-READABLE STORAGE  
MEDIUM FOR COMPUTER  
PROGRAM, AND CONTROL  
METHOD THEREOF**

**: DECISION ON REQUEST TO  
: PARTICIPATE IN THE PATENT  
: PROSECUTION HIGHWAY  
: PROGRAM AND PETITION  
: TO MAKE SPECIAL UNDER  
: 37 CFR 1.102(a)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 26 September 2011 and renewed 14 August 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

**Discussion**

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application is
  - a. a Paris Convention application which either
    - i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
    - ii. validly claims priority to a PCT application that contains no priority claims, or
  - b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
    - i. validly claims priority to an application filed in the JPO, or
    - ii. validly claims priority to a PCT application that contains no priority claims, or
    - iii. contains no priority claim, or
  - c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
    - i. validly claims priority to an application filed in the JPO, or

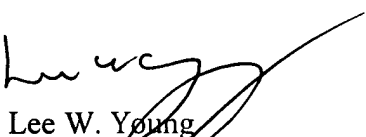
- ii. validly claims priority to a PCT application that contains no priority claims, or
  - iii. contains no priority claim;
- 2. Applicant must submit a copy of:
  - a. The allowable/patentable claim(s) from the JPO application(s);
  - b. An English translation of the allowable/patentable claim(s) and
  - c. A statement that the English translation is accurate;
- 3. Applicant must:
  - a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
  - b. Submit a claims correspondence table in English;
- 4. Examination of the U.S. application has not begun;
- 5. Applicant must submit:
  - a. Documentation of prior office action:
    - i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
    - ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
    - iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
  - b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
  - c. A statement that the English translation is accurate;
- 6. Applicant must submit:
  - a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
  - b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

  
Lee W. Young  
Quality Assurance Specialist  
Technology Center 2600



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**U S ARMY RESEARCH LABORATORY**  
**ATTN: RDRL-LOC-I**  
**2800 POWDER MILL RD**  
**ADELPHI MD 20783-1197**

**MAILED**

**OCT 12 2010**

**OFFICE OF PETITIONS**

In re Application of  
Ronald E. Meyers et al.  
Application No. 12/859,834  
Filed: August 20, 2010  
Attorney Docket No. ARL 05-22D

DECISION ON PETITION  
TO MAKE SPECIAL UNDER  
37 CFR 1.102(c)(1)

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 20, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement by an attorney on behalf of inventor Ronald Everett Meyers attesting to his age. The above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 2629 for action on the merits commensurate with this decision.

/Kimberly Inabinet/

Kimberly Inabinet  
Petitions Examiner  
Office of Petitions



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Patent Department  
Baker Botts, L.L.P.  
One Shell Plaza  
910 Louisiana  
Houston TX 77002

**MAILED**  
**OCT 13 2010**  
**OFFICE OF PETITIONS**

In re Application of	:	
Michel Armand et al.	:	
Application No. 12/859,865	:	DECISION ON PETITION
Filed: August 20, 2010	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 078963.0130	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 20, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement by an attorney on behalf of inventor John Bannister Goodenough attesting to his age. The above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 1795 for action on the merits commensurate with this decision.

/Kimberly Inabinet/

Kimberly Inabinet  
Petitions Examiner  
Office of Petitions



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/859,872	08/20/2010	Hajime TERAYOKO	FJ-2010-083-US	8849

7590 01/23/2012  
MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC  
8321 OLD COURTHOUSE ROAD  
SUITE 200  
VIENNA, VA 22182-3817

EXAMINER

BACKER, FIRMIN

ART UNIT	PAPER NUMBER
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2448

MAIL DATE	DELIVERY MODE
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01/23/2012

PAPER

## DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

*The declaration of express abandonment is recognized*

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch  
Office of Data Management





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Robinson Intellectual Property Law Office, P.C.  
3975 Fair Ridge Drive  
Suite 20 North  
Fairfax VA 22033

**MAILED**

**APR 27 2011**

**OFFICE OF PETITIONS**

In re Application of :  
Takuya Tsurume, et al. :  
Application No. 12/859,878 : DECISION GRANTING PETITION  
Filed: August 20, 2010 : UNDER 37 CFR 1.313(c)(2)  
Attorney Docket No. 0756-8935 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, April 26, 2011 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

***Petitioner is advised that the issue fee paid on April 4, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.<sup>1</sup>***

Telephone inquiries should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 2891 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Terri Johnson/  
Terri Johnson  
Petitions Examiner  
Office of Petitions

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<sup>1</sup> *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*



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FISH & RICHARDSON P.C. (DA)  
P.O. BOX 1022  
MINNEAPOLIS MN 55440-1022

**MAILED**

**SEP 23 2011**

**OFFICE OF PETITIONS**

In re Application of	:	
Myers et al.	:	
Application No. 12/859,890	:	DECISION ON PETITION
Filed: August 20, 2010	:	
Attorney Docket No. 23700-0053002	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 19, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This above-identified application became abandoned for failure to timely file a reply to a non-final Office action mailed March 16, 2011. The Office Action set a three (3) month shortened statutory period for reply. No extensions of time were obtained under the provisions of 37 CFR 1.136(a). Accordingly, this application became abandoned on June 17, 2011. This decision precedes the mailing of a Notice of Abandonment.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment (2) the petition fee of \$1620.00, and (3) a statement of unintentional delay.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR §10.18(b). In the event that such an inquiry has not been made, Petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR §1.137(b) was unintentional, petitioner must notify the Office.

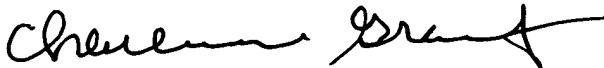
There is no indication that Petitioner herein was ever empowered to prosecute the instant application. If Petitioner desires to receive future correspondence regarding this application, the appropriate power of attorney documentation must be submitted.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the

address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3215.

This application is being referred to Technology Center AU 3748 for appropriate action by the Examiner in the normal course of business on the reply received

A handwritten signature in black ink, appearing to read "Charlema Grant", with a stylized flourish at the end.

Charlema Grant  
Petitions Attorney  
Office of Petitions

Cc: Ernest G. Cusick  
1 River Road  
Schenectady, NY 12345



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Alexandria, VA 22313-1450  
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Date: 03/08/12

Patent No. : 8087462 B2  
Ser. No. : 12/859,897  
Inventor(s) : Tirio , et al.  
Issued : January 3, 2012  
Title : **PROCESS FOR TRANSPORTING FRACTURE ("FRAC") FLUID  
ADDITIVES TO OIL AND GAS WELLS UTILIZING ION EXCHANGE RESIN**  
Docket No. : P086 00005CON

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322 and/or 1.323.

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing *incorrect or erroneous* assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 (*see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481*). This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

In view of the foregoing, your request, in this matter, is hereby denied.

A request to correct the Assignee under 37 CFR 3.81(b) should include:

- A. the processing fee set forth in 37 CFR 1.17(i) (currently \$130);
- B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
- C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

*In the Request*, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

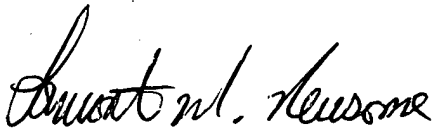
By mail: Mail Stop PETITIONS

Commissioner for Patents  
Post Office Box 1450  
Alexandria, VA 22313-1450

By hand: Customer Service Window  
Mail Stop Petitions  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

By fax: (571) 273-0025  
ATTN: Office of Petitions

If a fee (currently \$100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, no additional fee is required.



Lamonte M. Newsome  
For Mary Diggs, Supervisor  
Decisions & Certificates  
Of Correction Branch  
(571) 272-3421 or (703)756-1580

**LANXESS CORPORATION**  
**111 RIDC PARK WEST DRIVE**  
**PITTSBURGH PA 15275-1112**

LMN



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/859,905	08/20/2010	Philippe DUCHATEAU	363067US0CONT	8924
22850	7590	11/18/2010	EXAMINER	
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P. 1940 DUKE STREET ALEXANDRIA, VA 22314			ART UNIT	PAPER NUMBER
			1646	
			NOTIFICATION DATE	DELIVERY MODE
			11/18/2010	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com  
oblonpat@oblon.com  
jgardner@oblon.com



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NOV 18 2010

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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.  
1940 DUKE STREET  
ALEXANDRIA VA 22314

In re Application of	:	
DUCHATEAU, PHILIPPE et. al.	:	DECISION ON REQUEST TO
Application No. 12/859,905	:	PARTICIPATE IN PATENT
Filed: August 20, 2010	:	PROSECUTION HIGHWAY
Attorney Docket No.	:	PILOT PROGRAM AND PETITION
363067US0CONT	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed August 20, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH pilot program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the EPO;
- (2) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the EPO application(s);
- (3) Examination of the U.S. application has not begun;
- (4) Applicant must submit a copy of all the office actions from each of the EPO application(s) containing the allowable/patentable claim(s) that are the basis for the request; and
- (5) Applicant must submit an IDS listing the documents cited by the EPO examiner in the EPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Ram R. Shukla at 571-272-0735.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system at the <http://www.uspto.gov/ebc/index.html>.

The application is undergoing pre-examination processing. Once it is released for examination, the application will be forwarded to the examiner for action on the merits commensurate with this decision.

A handwritten signature in black ink, appearing to read 'm Shukla', with a horizontal line drawn underneath it.

Ram R. Shukla, Ph.D.  
Supervisory Patent Examiner  
TC 1600

**RAM R. SHUKLA, PH.D.**  
**SUPERVISORY PATENT EXAMINER**





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**TERESA J. BOWLES, ARNOLDS, WHITE & DURKEE**  
**P.O. BOX 4433**  
**HOUSTON TX 77210**

**MAILED**

**SEP 13 2010**

In re Application of	:	<b>OFFICE OF PETITIONS</b>
Armand et al.	:	
Application No. 12/859,965	:	<b>ON PETITION</b>
Filed: August 20, 2010	:	
Attorney Docket No. 078963.0134	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 20, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes a statement from the applicant's attorney, along with a copy of Mr. John Goodenough's Texas driver's license. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-3206. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This matter is being referred to the Office of Patent Application Processing for further pre-examination processing. Thereafter, the application will be referred to Technology Center Art Unit 1795 for action on the merits commensurate with this decision.

Liana Walsh  
Petitions Examiner  
Office of Petitions



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MORGAN, LEWIS & BOCKIUS LLP  
1701 MARKET STREET  
PHILADELPHIA, PA 19103-2921

**MAILED**

**FEB 17 2011**

**OFFICE OF PETITIONS**

In re Application of	:	
James D. McChesney, et al.	:	DECISION REFUSING STATUS
Application No. 12/859,990	:	UNDER 37 CFR 1.47(a)
Filed: August 20, 2010	:	
Attorney Docket No.: 100244-5003-US-01	:	

This is in response to the petition under 37 CFR 1.47(a), filed December 13, 2010.

The petition is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Any extensions of time will be governed by 37 CFR 1.136(a).

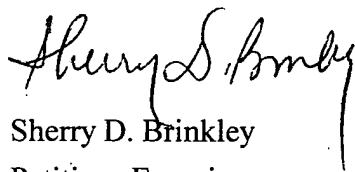
A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor. Applicant lacks items (1), and (2).

As to item (1), rule 47 applicant must demonstrate with documented evidence that an inventor refuses to join in the application after having been presented with the application papers (specification, claims, drawings and oath or declaration). There is no indication herein that the joint inventors were presented with a copy of the complete application papers for this application. From the evidence of record, it only appears that a copy of the application papers for the prior application were sent to the inventors. Unless petitioner can show that a copy of the application papers for the present application was presented to the joint inventors, then petitioner will have to mail a copy of the complete application papers (specification, claims and drawings) to the inventors at their last known addresses, typically a residential address, return receipt requested. A cover letter of instructions should accompany the mailing of the application papers setting a

By fax: (571) 273-8300  
ATTN: Office of Petitions

By internet: EFS-Web<sup>1</sup>

Any questions concerning this matter may be directed to the undersigned at (571) 272-3204.



Sherry D. Brinkley  
Petitions Examiner  
Office of Petitions

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<sup>1</sup> [www.uspto.gov/ebs/efs\\_help.html](http://www.uspto.gov/ebs/efs_help.html) (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)



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**MAY 26 2011**

**OFFICE OF PETITIONS**

MORGAN, LEWIS & BOCKIUS LLP  
1701 MARKET STREET  
PHILADELPHIA PA 19103-2921

In re Application of	:
James D. McChesney, et al.	: DECISION REFUSING STATUS
Application No.: 12/859,990	: UNDER 37 CFR 1.47(a)
Filed: August 20, 2010	:
Docket No.: 100244-5003-US-01	:

This is a decision in response to the renewed petition, filed April 18, 2011, under the provisions of 37 CFR 1.47(a).

The petition is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Extensions of time may be obtained in accordance with 37 CFR 1.136(a).

The above-identified application was filed on August 20, 2010, without an executed oath or declaration. Accordingly, on September 2, 2010, a Notice to File Missing Parts of Nonprovisional Application was mailed. The Notice required, within two-months, an executed oath or declaration and the surcharge for its late filing. On December 13, 2010, a petition under 37 CFR 1.47(a) was filed; however, the petition was dismissed in a decision mailed February 17, 2011. In response, on April 18, 2011, the present petition was filed.

A grantable petition under 37 CFR 1.47(a) requires (1) proof that the non-signing inventor cannot be reached or located, notwithstanding diligent effort, or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the \$200 petition fee; (4) a surcharge of \$130 or \$65 (small entity) if the petition and/or declaration is not filed at the time of filing the application, and (5) a statement of the last known address of the non-signing inventor.

The renewed petition lacks items (1) , (2) and (4).

As to item (1), while petitioner indicates that complete application papers were mailed to non-signing inventors Cohn, Modiano and Ahmed, via FedEx, it is noted that the packages in question were mailed to addresses other than residential addresses or where the inventor would customarily receive their mail.

Petitions is reminded that before a refusal to sign an oath or declaration can be alleged, it must be demonstrated that a *bona fide* effort has been made to present a complete copy of the application papers (specification, including claims, drawings, and oath or declaration) to the non-signing inventor at the non-signing inventor's last know address, **typically a residential address**. In this case, there is no evidence of record to show that complete application papers were given to non-signing inventors Cohn, Modiano and Ahmed or whether complete application papers were sent to and actually received by the non-signing inventors. If the non-signing inventors were not presented with a copy of the application papers for this application, then they could not execute the documents they was requested to sign.

Therefore, at the very least, petitioner should mail correspondence to the last known address of joint inventor, return receipt and/or forwarding address requested. If a forwarding address is provided, petitioner should then mail a complete copy of the application papers (specification, claims, drawings, oath, etc.) to that address, return receipt requested, along with a cover letter of instructions which includes a deadline or a statement that no response will constitute a refusal. This sort of ultimatum lends support to a finding of refusal by conduct.

In the event that the application papers are returned as undeliverable, petitioners may show diligent efforts to locate the non-signing inventor by providing a copy of an envelope showing that a letter sent to the last known address of the non-signing inventor was returned as undeliverable by the post office. Furthermore, details of the efforts made to locate the non-signing inventor should be set forth in an affidavit or declaration of facts by a person having first-hand knowledge of the details.

If repeated attempts to contact the non-signing inventor are unsuccessful, petitioners will have demonstrated that the inventors cannot be reached, despite diligent efforts, or have refused to sign the declaration.

As to item (2), an oath or declaration in compliance with 37 CFR 1.63 has not been presented. Pursuant to 35 U.S.C. 115 and 37 CFR § 1.63(a) and § 1.63(c)(1), an acceptable oath or declaration filed under § 1.51(b)(2) as a part of a nonprovisional application must identify all the inventors by name, citizenship and, unless such information is supplied on an application data sheet (ADS) in accordance with § 1.76, must also identify the mailing address, and the residence of each inventor, if an inventor lives at a location which is different from where the inventor customarily receives mail. The declaration of April 18, 2011 does not comply with 37 CFR 1.63.

As to item (4), it is noted that the requisite \$65 surcharge for the late filing of the declaration has not been paid.

Further correspondence with respect to this matter should be delivered through one of the following mediums:

By mail:                   Mail Stop PETITIONS  
                              Commissioner for Patents  
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By hand:                   Customer Service Window  
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                              401 Dulany Street  
                              Alexandria, VA 22314

By fax:                   (571) 273-8300  
                              ATTN: Office of Petitions

By Internet:               EFS-Web<sup>1</sup>

Any questions concerning this matter may be directed to the undersigned at (571) 272-3204.

/SDB/

Sherry D. Brinkley  
Petitions Examiner  
Office of Petitions

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<sup>1</sup> [www.uspto.gov/ebc/efs\\_help.html](http://www.uspto.gov/ebc/efs_help.html) (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)



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1701 MARKET STREET  
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**MAILED**

**JUN 30 2011**

**OFFICE OF PETITIONS**

In re Application of :  
James D. McChesney, et al. :  
Application No. 12/859,990 : LETTER  
Filed: August 20, 2010 :  
Attorney Docket No.: 100244-5003-US-01 :

This is in response to the communication, filed June 27, 2011, which is being treated as a request to reset the response period set in a decision mailed May 26, 2011.

The request is **GRANTED**.

A review of the record indicates that a decision refusing status under 37 CFR 1.47(a) was mailed to the address of record on May 26, 2011. However, for some unknown reason, the decision was returned to the U.S. Patent and Trademark Office on May 31, 2011. For applicant's convenience, a copy of the decision of May 26, 2011 is enclosed.

The time period for response that was set in the decision mailed May 26, 2011, is restarted to begin with date of this letter. Specifically, Rule 47 applicant is given TWO MONTHS from the mailing date of this letter to reply. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted in the decision of May 26, 2011, except that the reply may include an oath or declaration executed by the non-signing inventor. Any extensions of time will be governed by 37 CFR 1.136(a). **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.**

Further correspondence with respect to this matter should be delivered through one of the following mediums:

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By fax: (571) 273-8300  
ATTN: Office of Petitions

By internet: EFS-Web<sup>1</sup>

Any questions concerning this matter may be directed to the undersigned at (571) 272-3204.

/SDB/

Sherry D. Brinkley  
Petitions Examiner  
Office of Petitions

Enclosure: Copy of decision mailed May 26, 2011

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<sup>1</sup> [www.uspto.gov/ebc/efs\\_help.html](http://www.uspto.gov/ebc/efs_help.html) (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)



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**MAY 26 2011**

**OFFICE OF PETITIONS**

MORGAN, LEWIS & BOCKIUS LLP  
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In re Application of	:	
James D. McChesney, et al.	:	DECISION REFUSING STATUS
Application No.: 12/859,990	:	UNDER 37 CFR 1.47(a)
Filed: August 20, 2010	:	
Docket No.: 100244-5003-US-01	:	

This is a decision in response to the renewed petition, filed April 18, 2011, under the provisions of 37 CFR 1.47(a).

The petition is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Extensions of time may be obtained in accordance with 37 CFR 1.136(a).

The above-identified application was filed on August 20, 2010, without an executed oath or declaration. Accordingly, on September 2, 2010, a Notice to File Missing Parts of Nonprovisional Application was mailed. The Notice required, within two-months, an executed oath or declaration and the surcharge for its late filing. On December 13, 2010, a petition under 37 CFR 1.47(a) was filed; however, the petition was dismissed in a decision mailed February 17, 2011. In response, on April 18, 2011, the present petition was filed.

A grantable petition under 37 CFR 1.47(a) requires (1) proof that the non-signing inventor cannot be reached or located, notwithstanding diligent effort, or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the \$200 petition fee; (4) a surcharge of \$130 or \$65 (small entity) if the petition and/or declaration is not filed at the time of filing the application, and (5) a statement of the last known address of the non-signing inventor.

The renewed petition lacks items (1) , (2) and (4).

As to item (1), while petitioner indicates that complete application papers were mailed to non-signing inventors Cohn, Modiano and Ahmed, via FedEx, it is noted that the packages in question were mailed to addresses other than residential addresses or where the inventor would customarily receive their mail.

Petitions is reminded that before a refusal to sign an oath or declaration can be alleged, it must be demonstrated that a *bona fide* effort has been made to present a complete copy of the application papers (specification, including claims, drawings, and oath or declaration) to the non-signing inventor at the non-signing inventor's last know address, **typically a residential address**. In this case, there is no evidence of record to show that complete application papers were given to non-signing inventors Cohn, Modiano and Ahmed or whether complete application papers were sent to and actually received by the non-signing inventors. If the non-signing inventors were not presented with a copy of the application papers for this application, then they could not execute the documents they was requested to sign.

Therefore, at the very least, petitioner should mail correspondence to the last known address of joint inventor, return receipt and/or forwarding address requested. If a forwarding address is provided, petitioner should then mail a complete copy of the application papers (specification, claims, drawings, oath, etc.) to that address, return receipt requested, along with a cover letter of instructions which includes a deadline or a statement that no response will constitute a refusal. This sort of ultimatum lends support to a finding of refusal by conduct.

In the event that the application papers are returned as undeliverable, petitioners may show diligent efforts to locate the non-signing inventor by providing a copy of an envelope showing that a letter sent to the last known address of the non-signing inventor was returned as undeliverable by the post office. Furthermore, details of the efforts made to locate the non-signing inventor should be set forth in an affidavit or declaration of facts by a person having first-hand knowledge of the details.

If repeated attempts to contact the non-signing inventor are unsuccessful, petitioners will have demonstrated that the inventors cannot be reached, despite diligent efforts, or have refused to sign the declaration.

As to item (2), an oath or declaration in compliance with 37 CFR 1.63 has not been presented. Pursuant to 35 U.S.C. 115 and 37 CFR § 1.63(a) and § 1.63(c)(1), an acceptable oath or declaration filed under § 1.51(b)(2) as a part of a nonprovisional application must identify all the inventors by name, citizenship and, unless such information is supplied on an application data sheet (ADS) in accordance with § 1.76, must also identify the mailing address, and the residence of each inventor, if an inventor lives at a location which is different from where the inventor customarily receives mail. The declaration of April 18, 2011 does not comply with 37 CFR 1.63.

As to item (4), it is noted that the requisite \$65 surcharge for the late filing of the declaration has not been paid.

Further correspondence with respect to this matter should be delivered through one of the following mediums:

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                                    Mail Stop Petitions  
                                    Randolph Building  
                                    401 Dulany Street  
                                    Alexandria, VA 22314

By fax:                        (571) 273-8300  
                                    ATTN: Office of Petitions

By Internet:                EFS-Web<sup>1</sup>

Any questions concerning this matter may be directed to the undersigned at (571) 272-3204.

/SDB/

Sherry D. Brinkley  
Petitions Examiner  
Office of Petitions

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<sup>1</sup> [www.uspto.gov/ebc/efs\\_help.html](http://www.uspto.gov/ebc/efs_help.html) (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)



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1701 MARKET STREET  
PHILADELPHIA PA 19103-2921

**MAILED**  
**SEP 12 2011**  
**OFFICE OF PETITIONS**

In re Application of :  
James D. McChesney, et al. : DECISION GRANTING STATUS  
Application No. 12/859,990 : UNDER 37 CFR 1.47(a)  
Filed: August 20, 2010 :  
Attorney Docket No.: 100244-5003-US-01 :

This is a decision in response to the renewed petition, filed August 15, 2011 under the provisions of 37 CFR 1.47(a). Since no further petition fee is required on a renewed petition under 37 CFR 1.47(a), the \$200 petition fee submitted with the present petition is being refunded to counsel's deposit account.

The petition is **GRANTED**.

Petitioner has shown that the non-signing inventors Allen Cohn and Tauseef Ahmed have refused to join in the filing of the above-identified application. A Supplemental Application Data Sheet and a copy of a declaration, executed in combination by all of the available joint inventors on behalf of themselves and the non-signing joint inventors, accompany this petition.

On reconsideration, the petition is in compliance with 37 CFR 1.47(a). Accordingly, this application is hereby accorded Rule 1.47(a) status.

As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The application is being referred to the Office of Patent Application Processing (OPAP) for further pre-examination processing.

Telephone inquires related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to processing at OPAP should be directed to their hotline at (571) 272-4000.

/SDB/

Sherry D. Brinkley  
Petitions Examiner  
Office of Petitions



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MR. ALLEN COHN  
10460 E/ ABERDEEM AVE  
ENGLEWOOD, CO 80111-5478

**MAILED**

**SEP 12 2011**

**OFFICE OF PETITIONS**

In re Application of.  
James D. McChesney, Gilles Tapolsky, David E. Emerson,  
John Marshall, Tauseef Ahmed, Allen Cohen, Michael  
Kurman and Manuel Modiano  
Application No. 12/859,990  
Filed: August 20, 2010  
For: TAXANE ANALOGS FOR THE TREATMENT  
OF BRAIN CANCER

LETTER

Dear Mr. Cohn:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3204. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application should be directed to the Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

/SDB/

Sherry D. Brinkley  
Petitions Examiner  
Office of Petitions

cc: MORGAN, LEWIS & BOCKIUS LLP  
1701 MARKET STREET  
PHILADELPHIA, PA 19103-2921



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Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

MR. TAUSEEF AHMED  
49 BROOKWOOD DR  
BRIARECLIFF MANOR, NY 10510-2040

**MAILED**

**SEP 12 2011**

In re Application of:

James D. McChesney, Gilles Tapolsky, David E. Emerson,  
John Marshall, Tauseef Ahmed, Allen Cohen, Michael  
Kurman and Manuel Modiano

Application No. 12/859,990

Filed: August 20, 2010

For: TAXANE ANALOGS FOR THE TREATMENT  
OF BRAIN CANCER

**OFFICE OF PETITIONS**

LETTER

Dear Mr. Ahmed:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3204. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application should be directed to the Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

/SDB/

Sherry D. Brinkley  
Petitions Examiner  
Office of Petitions

cc: MORGAN, LEWIS & BOCKIUS LLP  
1701 MARKET STREET  
PHILADELPHIA, PA 19103-2921



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PATENT DEPARTMENT  
BAKER BOTTS, L.L.P.  
ONE SHELL PLAZA  
910 LOUISIANA  
HOUSTON TX 77002

**MAILED**  
SEP 28 2010  
OFFICE OF PETITIONS

In re Application of  
Michael B. ARMAND, et al  
Application No. 12/859,991  
Filed: August 20, 2010  
Attorney Docket No. 078963.0135

DECISION ON PETITION  
TO MAKE SPECIAL UNDER  
37 CFR 1.102(c)(1)

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 20, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement made by registered attorney Larissa A. Piccardo, which will be treated as the result of the attorney having evidence that at least one of the applicants is 65 years of age or more. In the event that such evidence is not with the attorney, the Office should be notified immediately. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to undersigned at (571) 272-6735.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center at (571) 272-1700.

The application is being forwarded to Technology Center Art Unit 1795 for action on the merits commensurate with this decision.

/dcg/  
Diane C. Goodwyn  
Petitions Examiner  
Office of Petitions





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**PATENT DEPARTMENT  
BAKER BOTTS, L.L.P.  
ONE SHELL PLAZA  
910 LOUISIANA  
HOUSTON TX 77002**

**MAILED**

**SFP 28 2010**

**OFFICE OF PETITIONS**

In re Application of

Michael B. ARMAND, et al

Application No. 12/860,012

Filed: August 20, 2010

Attorney Docket No. 078963.0136

DECISION ON PETITION  
TO MAKE SPECIAL UNDER  
37 CFR 1.102(c)(1)

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 20, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP. § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement made by registered attorney Larissa A. Piccardo, which will be treated as the result of the attorney having evidence that at least one of the applicants is 65 years of age or more. In the event that such evidence is not with the attorney, the Office should be notified immediately. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to undersigned at (571) 272-6735.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center at (571) 272-1700.

The application is being forwarded to Technology Center Art Unit 1795 for action on the merits commensurate with this decision.

/d cg/

Diane C. Goodwyn  
Petitions Examiner  
Office of Petitions



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/860,023	08/20/2010	Bo Yin	VWS-152US	9165

83583	7590	05/04/2011
Wood, Herron & Evans, LLP (Vestas Wind Systems)		
441 Vine Street		
2700 Carew Tower		
Cincinnati, OH 45202		

EXAMINER

ART UNIT	PAPER NUMBER
2857	

NOTIFICATION DATE	DELIVERY MODE
05/04/2011	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

amalik@whepatent.com  
eobrien@whepatent.com  
USPTODOCK@whepatent.com



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**Wood, Herron & Evans, LLP (Vestas Wind Systems)**  
**441 Vine Street**  
**2700 Carew Tower**  
**Cincinnati OH 45202**

**In re Application of**  
**YIN et al.**

**Application No.: 12/860,023**

**Filed: 20 August 2010**

**Attorney Docket No.: VWS-152US**

**For: SYSTEM AND METHOD FOR**  
**MONITORING POWER FILTERS AND**  
**DETECTING POWER FILTER**  
**FAILURE IN A WIND TURBINE**  
**ELECTRICAL GENERATOR**

**: DECISION ON REQUEST TO**  
**: PARTICIPATE IN THE PATENT**  
**: PROSECUTION HIGHWAY**  
**: PROGRAM AND PETITION**  
**: TO MAKE SPECIAL UNDER**  
**: 37 CFR 1.102(a)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 09 March 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

**Discussion**

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application is

- a. a Paris Convention application which either
  - i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the DKPTO, or
  - ii. validly claims priority to a PCT application that contains no priority claims, or
- b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
  - i. validly claims priority to an application filed in the DKPTO, or
  - ii. validly claims priority to a PCT application that contains no priority claims, or
  - iii. contains no priority claim, or
- c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
  - i. validly claims priority to an application filed in the DKPTO, or


- ii. validly claims priority to a PCT application that contains no priority claims, or
  - iii. contains no priority claim;
- 2. Applicant must submit a copy of:
  - a. The allowable/patentable claim(s) from the DKPTO application(s);
  - b. An English translation of the allowable/patentable claim(s) and
  - c. A statement that the English translation is accurate;
- 3. Applicant must:
  - a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the DKPTO application(s) and
  - b. Submit a claims correspondence table in English;
- 4. Examination of the U.S. application has not begun;
- 5. Applicant must submit:
  - a. Documentation of prior office action:
    - i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the DKPTO application(s) containing the allowable/patentable claim(s) or
    - ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
    - iii. if the DKPTO application is a first action allowance then no office action from the DKPTO is necessary should be indicated on the request/petition form;
  - b. An English language translation of the DKPTO Office action from (5)(a)(i)-(ii) above
  - c. A statement that the English translation is accurate;
- 6. Applicant must submit:
  - a. An IDS listing the documents cited by the DKPTO examiner in the DKPTO office action (unless already submitted in this application)
  - b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

This application will be forwarded to the examiner for action on the merits commensurate with this decision.

  
Lee W. Young  
TQAS Technology Center 2800 - Semiconductors,  
Electrical & Optical Systems & Components

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/64 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	<b>PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT          ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)</b>	
Application Number	12860060	
Filing Date	20-Aug-2010	
First Named Inventor	Louis Chertkow	
Attorney Docket Number	ELKAY-84800	
Title	METHOD FOR MAKING A SEAMLESS PLASTIC MOTION DISCOMFORT RECEPTACLE	
<p>The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.</p> <p>APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION</p> <p>NOTE: A grantable petition requires the following items:</p> <p>(1) Petition fee;</p> <p>(2) Reply and/or issue fee;</p> <p>(3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and</p> <p>(4) Statement that the entire delay was unintentional</p>		
<p>Petition Fee</p> <p><input type="radio"/> Applicant claims SMALL ENTITY status. See 37 CFR 1.27.</p> <p><input type="radio"/> Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).</p> <p><input checked="" type="radio"/> Applicant(s) status remains as SMALL ENTITY.</p> <p><input type="radio"/> Applicant(s) status remains as other than SMALL ENTITY.</p>		
<p>2. Reply and/or fee</p> <p><input type="radio"/> I certify, in accordance with 37 CFR 1.4(d)(4) that the amendment and response have already been filed in the above-identified application on</p> <p><input checked="" type="radio"/> Amendment and response are attached</p> <p>RCE request, submission, and fee.</p> <p><input type="radio"/> I certify, in accordance with 37 CFR 1.4(d)(4) that the RCE Request, Submission, and Fee have already been filed in the above-identified application on</p> <p><input type="radio"/> RCE Request, Submission, and Fee are attached</p>		
Notice of Appeal		

☐ I certify, in accordance with 37 CFR 1.4(d)(4) that the Notice of Appeal and Fee have already been filed in the above-identified application on

☐ Notice of Appeal and Fee are attached

3. Terminal Disclaimer is not required, since the Electronic Petition format is not support for Design applications and applications filed before June 8, 1995. Please file using regular petition format for review by the Office of Petitions.

☒ STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

☒ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.

☐ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.

☐ A sole inventor

☐ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors

☐ A joint inventor; all of whom are signing this e-petition

☐ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Signature	/michael j. moffatt/
Name	Michael J. Moffatt
Registration Number	39304



## UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office  
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[www.uspto.gov](http://www.uspto.gov)

Decision Date January 17, 2012

In re Application of Louis Chertkow

Application No. 12860060

Filed: 20-Aug-2010

DECISION ON PETITION

UNDER CFR 1.137(b)

Attorney Docket No. ELKAY-84800

This is an electronic decision on the petition under 37 CFR 1.137(b), January 17, 2012, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the outstanding Office communication. The date of abandonment is the day after the last day of the period set for reply in the Office action plus any applicable extensions of time properly requested.

The electronic petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of a response; (2) the petition fee as set forth in 37 CFR 1.17 (m); and (3) the required statement of unintentional delay have been received. Accordingly, the response is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being directed to the Technology Center.

Office of Petitions

Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (03-11)

**PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM**

Attorney Docket Number: 38328-506001US Application Number (if known): 12/860,061 Filing date: August 20, 2010

First Named Inventor: James M. Cleeves

Title: High Swirl Engine

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

**Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.**

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: \_\_\_\_\_

Signature



Date January 20, 2012

Name  
(Print/Typed)

Michael D. Van Loy

Registration Number 52,315

**Note:** Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below\*.



\*Total of 1 forms are submitted.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Serial No.:	12/860,061	TC/Art Unit:	3747
Applicant:	James M. Cleeves, <i>et al.</i>	Conf. No.:	9246
Filing Date:	August 20, 2010	Examiner:	Stephen K. Cronin
Title:	HIGH SWIRL ENGINE		

**Mail Stop Petition**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**SUBMISSION IN SUPPORT OF PETITION TO MAKE SPECIAL  
UNDER THE GREEN TECHNOLOGY PILOT PROGRAM**

The following pages include items submitted in support of the attached *Petition to Make Special Under the Green Technology Pilot Program*. Prompt consideration and grant of this petition is hereby requested in light of the statements on the following pages.

**CERTIFICATE OF ELECTRONIC TRANSMISSION**

I hereby certify that this correspondence is being electronically transmitted to the Patent and Trademark Office on the date indicated below in accordance with 37 CFR 1.8(a)(1)(i)(C).

January 20, 2012  
Date of Transmission

/mff/  
Signature

Maria Fambro  
Typed or Printed Name of Person Signing Certificate

**REMARKS**

**Number of Claims.** The instant application, which is a non-reissue, non-provisional utility application filed under 35 U.S.C. 111(a), contains no more than three (3) independent claims and twenty (20) total claims and no multiple dependent claims.

**Early Publication Request.** Per the attached Petition to Make Special Under the Green Technology Pilot Program (Form PTO/SB/420), a request for early publication is hereby submitted in compliance with 37 CFR §1.219. The publication fee set forth in 37 CFR §1.18(d) is also paid in association with this submission.

**No first Office Action Yet Mailed.** As of the date of this filing, no first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system.

**Single Invention.** The claims of the instant application are believed to be directed to a single invention. If the Office determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), the Office is requested to initiate a telephonic interview to the undersigned who agrees to elect, without traverse, an invention that meets the eligibility requirements of the Green Technology Pilot Program.

**Statement of Special Status for the Eligibility Requirement.** The subject matter of the currently pending claims of this application materially enhances the quality of the environment and/or materially contributes to: (1) the discovery or development of renewable energy resources, (2) the more efficient utilization and conservation of energy resources, and/or (3) green house gas emission reduction.

The claims of the instant application are drawn to systems, methods, and the like for affecting the fluid dynamics with which fluids (e.g. one or more of fuel, air, mixtures thereof,

etc.) are introduced to the combustion chamber of an internal combustion engine. In a conventional engine, the ability to vary the ignition timing and/or fuel mixture richness can be limited by premature ignition of the fuel-air mixture. The subject matter of the instant application can allow improved control over ignition timing, thereby enabling important efficiency benefits.

As explained in greater detail in the application itself, this ability to precisely control, and optionally to vary, the fluid dynamics of fluids introduced to the combustion chamber can allow an engine to be operated at retarded ignition timing at full throttle to limit knock and while sacrificing some efficiency and to run at more advanced ignition timing (closer to or at maximum brake torque or MBT) at part throttle to enable high efficiency operation at lower power output conditions. These lower power output conditions can be of particular interest for passenger vehicle operations because full power is rarely achieved in a typical driving cycle, and usually not for long durations. Thus, improving the efficiency characteristics of an engine under lower power conditions can be very important in improving overall fuel efficiency of the engine as used over a real-world driving cycle.


**CONCLUSION**

On the basis of the foregoing, the instant application is believed to be in condition for acceptance into the *Green Technology Pilot Program*. The Statement of Special Status submitted herein discusses one or more advantages relating to implementations of the instantly claimed subject matter that can enhance the environment or contribute to energy conservation or renewable energy generation or to reduction in greenhouse gas emissions. Other advantages or benefits may also flow from implementations of the current subject matter. Nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper.

As noted above, the Publication Fee set forth in 37 CFR §1.18(d) is paid in association with this submission. No other fees are believed to be due. However, the Commissioner is hereby authorized to charge any additional claim fees and any additional fees that may be due, or credit any overpayment of same, to Deposit Account No. 50-0311, Reference No. 38328-506001US. If there are any questions regarding this reply, the Examiner is encouraged to contact the undersigned at the telephone number provided below.

Respectfully submitted,

Date: January 20, 2012

  
\_\_\_\_\_  
Michael D. Van Loy,  
Reg. No. 52,315

Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.  
3580 Carmel Mountain Road, Suite 300  
San Diego, CA 92130  
**Customer No. 64046**  
Tel.: 858/314-1559  
Fax: 858/314-1501



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/860,061	08/20/2010	James M. Cleeves	38328-506001US	9246
64046	7590	02/01/2012		
MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO, P.C			EXAMINER	
ONE FINANCIAL CENTER			CRONIN, STEPHEN K	
BOSTON, MA 02111			ART UNIT	PAPER NUMBER
			3747	
			MAIL DATE	DELIVERY MODE
			02/01/2012	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO, P.C  
ONE FINANCIAL CENTER  
BOSTON MA 02111

In re Application of	:	
CLEEVES, JAMES M. et al	:	DECISION ON PETITION
Application No. 12/860,061	:	TO MAKE SPECIAL UNDER
Filed: Aug. 20, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 38328-506001US	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed January 20, 2012 to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the

Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d). The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

In regard to item 4, petitioner should note that the instant petition includes a statement identifying the basis for the special status (i.e., whether the instant invention (1) materially enhances the quality of the environment or materially contributes to (2) development of renewable energy resources or energy conservation, or (3) greenhouse gas reduction) as required by sections II and III of the notice. However, as stated in the notice, applicant must also provide a statement pertaining to the materiality standard if the application disclosure is not clear on its face as to the materiality of the basis for the special status of the invention. This petition lacks such a statement and it is not agreed that the application on its face meets that materiality standard. Petitioner states that the claimed invention relates to green technology. This is not convincing. It is not clear how the claimed delivery of a fluid into the combustion volume via a swirl port outlet around the periphery of the cylinder at an angle to generate a swirling motion will provide and enhance the quality of the environment or contribute to development of renewable energy resources or energy conservation or greenhouse gas reduction. There is no connection between the claimed subject matter and the green technology.

In regard to item 8, petitioner should note that since no request in compliance with 37 CFR 1.219 has been made for the early publication of the present application and the publication fee \$300.00 as set forth in 37 CFR 1.18(d) has not been received, the petition is dismissed.

Telephone inquiries concerning this decision should be directed to Steven Cronin at 571-272-4536. This application will be forwarded to the Technology Center Art Unit 3747 for action on the merits commensurate with this decision.

/Henry C. Yuen/

---

Henry C. Yuen  
Quality Assurance Specialist  
Technology Center TC 3700



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

**MARSHALL, GERSTEIN & BORUN LLP**  
**233 SOUTH WACKER DRIVE**  
**6300 WILLIS TOWER**  
**CHICAGO IL 60606-6357**

**MAILED**

**SEP 08 2010**

**OFFICE OF PETITIONS**

In re Application of	:	
Christopher B. MURPHY, et al	:	
Application No. 12/860,067	:	DECISION ON PETITION
Filed: August 20, 2010	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 30892/44832C	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 20, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement from Applicant Jon O. Fabri. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

All other inquiries should be directed to the Office of Data Management at (571) 272-4000.

This application is being referred back to the Office of Data Management for processing. This application will be accorded "special" status when pre-examination processing is done.

/dcg/  
Diane C. Goodwyn  
Petitions Examiner  
Office of Petitions



Doc Code: PPH.PCT.652

Document Description: Petition to make special under PCT-Patent Pros Hwy

PTO/SB/20PCT-EP (05-10)

Approved for use through 01/31/2012. OMB 0651-0058

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION  
HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND  
THE USPTO**

Application No:	12/860,123	Filing date:	August 20, 2010
First Named Inventor:	Alrick Vincent Warner		

Title of the  
Invention: Absorbent Articles Having Both Distinct and Identical Graphics and Apparatus and Method for Printing Such Absorbent Articles

**THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE  
SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT  
[HTTP://WWW.USPTO.GOV/EBS/EF\\_HELP.HTML](http://www.uspto.gov/ebs/efs_help.html)**

**APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE  
ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.**

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT  
application number(s) is/are: PCT/US2010/045987

The international filing date of the corresponding  
PCT application(s) is/are: August 19, 2010

**I. List of Required Documents:**

- a. A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)

☒

Is attached

☐

Is not attached because the document is already in the U.S. application.

- b. A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).

☒

Is attached.

☐

Is not attached because the document is already in the U.S. application.

- c. English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.

[Page 1 of 2]

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

(continued)

Application No.:	12/860,123
First Named Inventor:	Alrick Vincent Warner

- ☐ WORKSHEET, WORKSHEETS  
Is attached

Has already been filed in the above-identified U.S. application on May 18, 2011


- ☐ Are attached.

Have already been filed in the above-identified U.S. application on May 18, 2011

## II. Claims Correspondence Table:

[illegible]

**III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.**

Signature 	Date November 11, 2011
Name (Print/Typed) Charles R. Matson	Registration Number 52,006

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant ( *i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

# PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

**PCT**

**NOTIFICATION OF TRANSMITTAL OF  
THE INTERNATIONAL SEARCH REPORT AND  
THE WRITTEN OPINION OF THE INTERNATIONAL  
SEARCHING AUTHORITY, OR THE DECLARATION**

To:  
Hughett, Eileen L.  
THE PROCTER & GAMBLE COMPANY  
Global Patent Services  
299 E. Sixth Street, Sycamore Bldg., 4th Floor  
Cincinnati OH 45202  
ETATS-UNIS D'AMERIQUE

(PCT Rule 44.1)

Date of mailing (day/month/year)		3 February 2011 (03-02-2011)
Applicant's or agent's file reference 11433-SK		<b>FOR FURTHER ACTION</b> See paragraphs 1 and 4 below
International application No. PCT/US2010/045987		International filing date (day/month/year) 19 August 2010 (19-08-2010)
Applicant THE PROCTER & GAMBLE COMPANY		

1. ☒ The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority have been established and are transmitted herewith.

**Filing of amendments and statement under Article 19:**

The applicant is entitled, if he so wishes, to amend the claims of the International Application (see Rule 46):

**When?** The time limit for filing such amendments is normally two months from the date of transmittal of the International Search Report.

**Where?** Directly to the International Bureau of WIPO, 34 chemin des Colombettes  
1211 Geneva 20, Switzerland, Facsimile No.: (41-22) 338.82.70

For more detailed instructions, see *PCT Applicant's Guide*, International Phase, paragraphs 9.004 - 9.011.

2. ☐ The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.

3. ☐ With regard to any protest against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:

- ☐ the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.  
☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

**4. Reminders**


The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. Following the expiration of 30 months from the priority date, these comments will also be made available to the public.

Shortly after the expiration of 18 months from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau before completion of the technical preparations for international publication (Rules 90bis.1 and 90bis.3).

Within 19 months from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase until 30 months from the priority date (in some Offices even later); otherwise, the applicant must, within 20 months from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

In respect of other designated Offices, the time limit of 30 months (or later) will apply even if no demand is filed within 19 months.

For details about the applicable time limits, Office by Office, see [www.wipo.int/pct/en/texts/time\\_limits.html](http://www.wipo.int/pct/en/texts/time_limits.html) and the *PCT Applicant's Guide*, National Chapters.

Name and mailing address of the International Searching Authority  European Patent Office, P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk Tel: (+31-70) 340-2040 Fax: (+31-70) 340-3016	Authorized officer HOWARTH, Maria Tel: +49 (0)89 2399-5769
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# PATENT COOPERATION TREATY

## PCT

### INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference <b>11433-SK</b>	<b>FOR FURTHER ACTION</b> <small>see Form PCT/ISA/220 as well as, where applicable, item 5 below.</small>	
International application No. <b>PCT/US2010/045987</b>	International filing date (day/month/year) <b>19/08/2010</b>	(Earliest) Priority Date (day/month/year) <b>21/08/2009</b>
Applicant  <b>THE PROCTER &amp; GAMBLE COMPANY</b>		

This international search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 4 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

**1. Basis of the report**

a. With regard to the language, the International search was carried out on the basis of:

- ☒ the international application in the language in which it was filed  
☐ a translation of the international application into \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b))

b. ☐ This international search report has been established taking into account the rectification of an obvious mistake authorized by or notified to this Authority under Rule 91 (Rule 43.6b(ii)(a)).

c. ☐ With regard to any nucleotide and/or amino acid sequence disclosed in the international application, see Box No. I.

2. ☐ Certain claims were found unsearchable (See Box No. II)

3. ☐ Unity of invention is lacking (see Box No. III)

4. With regard to the title,

- ☒ the text is approved as submitted by the applicant  
☐ the text has been established by this Authority to read as follows:

5. With regard to the abstract,

- ☒ the text is approved as submitted by the applicant  
☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this International search report, submit comments to this Authority

6. With regard to the drawings,

- a. the figure of the drawings to be published with the abstract is Figure No. 1  
☒ as suggested by the applicant  
☐ as selected by this Authority, because the applicant failed to suggest a figure  
☐ as selected by this Authority, because this figure better characterizes the invention  
b. ☐ none of the figures is to be published with the abstract

## INTERNATIONAL SEARCH REPORT

International application No  
PCT/US2010/045987

## A. CLASSIFICATION OF SUBJECT MATTER

INV. A61F13/15 B05C1/16 B41F5/24  
ADD.

According to International Patent Classification (IPC) or to both national classification and IPC

## B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

A61F B05C B41F

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal

## C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y	WO 2004/064872 A2 (PROCTER & GAMBLE [US]; NAIR RADHAKRISHNAN JANARDANAN [US]; HSUEH KESYI) 5 August 2004 (2004-08-05)	9
A	page 6, line 1 - page 12, line 12; claim 1	1-8
A	US 2005/067083 A1 (VERGONA JOSEPH B [US]) 31 March 2005 (2005-03-31) paragraphs [0016], [0 39], [0049] - [0053]	1-14
Y	WO 2005/102237 A1 (KIMBERLY CLARK CO [US]; COSTELLO JOHN PATRICK [US]; SCHMID JOHN JEROME) 3 November 2005 (2005-11-03)	9
A	page 7, line 21 - page 9, line 5 page 18, lines 7-26 page 20, paragraph 15-28	1-8
	-/-	

☒ Further documents are listed in the continuation of Box C.

☒ See patent family annex.

## \* Special categories of cited documents:

\*A\* document defining the general state of the art which is not considered to be of particular relevance

\*E\* earlier document but published on or after the international filing date

\*L\* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

\*O\* document referring to an oral disclosure, use, exhibition or other means

\*P\* document published prior to the international filing date but later than the priority date claimed

\*T\* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

\*X\* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

\*Y\* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

\*Z\* document member of the same patent family

Date of the actual completion of the international search

28 January 2011

Date of mailing of the international search report

03/02/2011

Name and mailing address of the ISA/

European Patent Office, P.B. 5818 Patentlaan 2  
NL - 2280 HV Rijswijk  
Tel. (+31-70) 340-2040,  
Fax: (+31-70) 340-8016

Authorized officer

Lanniel, Geneviève

# INTERNATIONAL SEARCH REPORT

International application No  
PCT/US2010/045987

## C(Continuation). DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	WO 2006/007031 A1 (KIMBERLY CLARK CO [US]; LARSON TODD C [US]; MLEZIVA MARK M [US]; HOEHN) 19 January 2006 (2006-01-19) paragraphs [0047] - [0051] -----	1-14
A	US 2005/015066 A1 (ANDERSON KIMBERLY D [US] ET AL) 20 January 2005 (2005-01-20) paragraphs [0009] - [0011], [0034], [0035] - [0048] -----	1-14

# INTERNATIONAL SEARCH REPORT

Information on patent family members

International application No

PCT/US2010/045987

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
WO 2004064872 A2	05-08-2004	CA 2509487 A1 CA 2638749 A1 CN 1723002 A CN 101081569 A EP 1585472 A2 JP 4435148 B2 JP 2006516425 T KR 20050100377 A MX PA05007636 A US 2004143231 A1 ZA 200505188 A	05-08-2004 05-08-2004 18-01-2006 05-12-2007 19-10-2005 17-03-2010 06-07-2006 18-10-2005 30-09-2005 22-07-2004 26-04-2006
US 2005067083 A1	31-03-2005	CA 2539847 A1 EP 1667843 A1 MX PA06003522 A US 2005092427 A1 WO 2005032819 A1	14-04-2005 14-06-2006 08-06-2006 05-05-2005 14-04-2005
WO 2005102237 A1	03-11-2005	AU 2005235151 A1 CN 1942150 A EP 1750634 A1 JP 2007532340 T KR 20070004798 A US 2005217791 A1 ZA 200605524 A	03-11-2005 04-04-2007 14-02-2007 15-11-2007 09-01-2007 06-10-2005 30-01-2008
WO 2006007031 A1	19-01-2006	US 2006092431 A1	04-05-2006
US 2005015066 A1	20-01-2005	CN 1822805 A DE 602004011069 T2 EP 1646347 A1 JP 2007530092 T KR 20060115988 A MX PA06000134 A WO 2005016201 A1 ZA 200600080 A	23-08-2006 15-01-2009 19-04-2006 01-11-2007 13-11-2006 27-04-2006 24-02-2005 25-04-2007



# PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

# PCT

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY  
(PCT Rule 43bis.1)

Date of mailing  
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference  
see form PCT/ISA/220

**FOR FURTHER ACTION**  
See paragraph 2 below

International application No.  
PCT/US2010/045987

International filing date (day/month/year)  
19.08.2010

Priority date (day/month/year)  
21.08.2009

International Patent Classification (IPC) or both national classification and IPC  
INV. A61F13/15 B05C1/16 B41F5/24

Applicant  
THE PROCTER & GAMBLE COMPANY

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step and industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



European Patent Office  
D-80298 Munich  
Tel. +49 89 2399 - 0  
Fax: +49 89 2399 - 4465

Date of completion of  
this opinion

see form  
PCT/ISA/210

Authorized Officer

Laniel, Geneviève

Telephone No. +49 89 2399-2062



**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/US2010/045987

**Box No. I Basis of the opinion**

1. With regard to the **language**, this opinion has been established on the basis of:
  - ☒ the international application in the language in which it was filed
  - ☐ a translation of the international application into , which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1 (b)).
2. ☐ This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43bis.1(a))
3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, this opinion has been established on the basis of a sequence listing filed or furnished:
  - a. (means)
    - ☐ on paper
    - ☐ in electronic form
  - b. (time)
    - ☐ in the international application as filed
    - ☐ together with the international application in electronic form
    - ☐ subsequently to this Authority for the purposes of search
4. ☐ In addition, in the case that more than one version or copy of a sequence listing has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
5. Additional comments:

**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Yes: Claims	<u>1-14</u>
	No: Claims	
Inventive step (IS)	Yes: Claims	<u>1-8, 10-14</u>
	No: Claims	<u>9</u>
Industrial applicability (IA)	Yes: Claims	<u>1-14</u>
	No: Claims	

2. Citations and explanations

see separate sheet

The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 9 does not involve an inventive step in the sense of Article 33 (3) PCT.

WO 2004/064872 (p.6, l. 1- last line, fig. 1) which is considered to represent the most relevant state of the art, discloses a disposable absorbent product comprising a package, at least n absorbent articles, n being equal or greater than 4, a graphic G<sub>n</sub> printed directly on the backsheet, the absorbent core or the topsheet, the graphics being different from one article to the other and wherein the first graphic comprises a first ink color printed in first rows of first dots at a first screen angle, and a second ink color printed in second rows of second dots at a second screen angle and wherein the second dots are printed such that portions of the second dots overlap portions of the first dots from which the subject-matter of claim 9 differs in that there is a second graphic printed adjacent the first graphic wherein each second graphic is a spot color graphic.

Document WO2005/102237 discloses absorbent article having two kind of graphics, the first one having variable printing patterns and the second one being a constant pattern graphic, the second graphic being a spot color graphic printed adjacent the first graphic ( see fig.5-8, p.8, l.7-35).

Therefore, the skilled person would regard it a normal design procedure to combine all the features set out in claim 9.

Dependent claims 10-14 do not appear to contain any additional features which, in combination with the features of any claim to which it refers, meet the requirements of the PCT in respect of novelty and/or inventive step since their subject-matter is known from the prior art.

Possible steps after receipt of the international search report (ISR) and written opinion of the International Searching Authority (WO-ISA)

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General information

For all international applications filed on or after 01/01/2004 the competent ISA will establish an ISR. It is accompanied by the WO-ISA. Unlike the former written opinion of the IPEA (Rule 66.2 PCT), the WO-ISA is not meant to be responded to, but to be taken into consideration for further procedural steps. This document explains about the possibilities.

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Amending claims under Art. 19 PCT

Within 2 months after the date of mailing of the ISR and the WO-ISA the applicant may file amended claims under Art. 19 PCT directly with the International Bureau of WIPO. The PCT reform of 2004 did not change this procedure. For further information please see Rule 46 PCT as well as form PCT/ISA/220 and the corresponding Notes to form PCT/ISA/220.

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Filing a demand for international preliminary examination

In principle, the WO-ISA will be considered as the written opinion of the IPEA. This should, in many cases, make it unnecessary to file a demand for international preliminary examination. If the applicant nevertheless wishes to file a demand this must be done before expiry of 3 months after the date of mailing of the ISR/ WO-ISA or 22 months after priority date, whichever expires later (Rule 54bis PCT). Amendments under Art. 34 PCT can be filed with the IPEA as before, normally at the same time as filing the demand (Rule 66.1 (b) PCT).

If a demand for international preliminary examination is filed and no comments/amendments have been received the WO-ISA will be transformed by the IPEA into an IPRP (International Preliminary Report on Patentability) which would merely reflect the content of the WO-ISA. The demand can still be withdrawn (Art. 37 PCT).

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Filing informal comments

After receipt of the ISR/WO-ISA the applicant may file informal comments on the WO-ISA directly with the International Bureau of WIPO. These will be communicated to the designated Offices together with the IPRP (International Preliminary Report on Patentability) at 30 months from the priority date. Please also refer to the next box.

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End of the international phase

At the end of the international phase the International Bureau of WIPO will transform the WO-ISA or, if a demand was filed, the written opinion of the IPEA into the IPRP, which will then be transmitted together with possible informal comments to the designated Offices. The IPRP replaces the former IPR (international preliminary examination report).

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Relevant PCT Rules and more information

Rule 43 PCT, Rule 43bis PCT, Rule 44 PCT, Rule 44bis PCT, PCT Newsletter 12/2003, OJ 11/2003, OJ 12/2003

**Copy of Claims 1-8 from PCT/US2010/045987**

Page 1 of 4

1. An apparatus (100) for printing disposable absorbent articles comprising:
  - a central impression cylinder (102) defining an outer circumferential surface;
  - a constant graphic printing station (104') positioned adjacent the outer circumferential surface (106) of the central impression cylinder (102), the constant graphic printing station (104') comprising:
    - a print cylinder (112') defining an outer circumferential surface (120) defining a first circumferential length;
    - a constant graphic printing pattern (2000) disposed on the outer circumferential surface of the print cylinder;
    - an ink supply (124); and
    - an anilox roller (126) operably connected with the ink supply (124) and the print cylinder (112') wherein the anilox roller (126) is adapted to deposit ink from the ink supply onto the constant graphic printing pattern (2000);
  - a first variable graphic printing station (104"a) positioned adjacent the outer circumferential surface (106) of the central impression cylinder (102);
  - a second variable graphic printing station (104"b) positioned adjacent the outer circumferential surface (106) of the central impression cylinder (102);
  - a third variable graphic printing station (104"c) positioned adjacent the outer circumferential surface (106) of the central impression cylinder (102);
- wherein each variable graphic printing station (104"a, 104"b, 104"c) comprises:
  - a print cylinder (112") defining an outer circumferential surface (120) defining a second circumferential length;
  - a plurality of n variable printing patterns (200n) disposed on the outer circumferential surface of the print cylinder (112"), wherein n is 2 or greater and wherein the n variable printing patterns are different from each other;
  - an ink supply (124); and

**Copy of Claims 1-8 from PCT/US2010/045987**

Page 2 of 4

an anilox roller (126) operably connected with the ink supply (124) and the print cylinder (112") wherein the anilox roller is adapted to deposit ink from the ink supply onto the plurality of n variable printing patterns; and

wherein the constant graphic printing pattern (2000) is different from the n variable printing patterns (200n); and

wherein the second circumferential length is at least two times the first circumferential length.

2. The apparatus of claim 1, further comprising a fourth variable graphic printing station (104"d).

3. The apparatus of claim 2, wherein the first variable graphic printing station (104"a) is adapted to print cyan, the second variable graphic printing station (104"b) is adapted to print magenta, the third variable graphic printing station (104"c) is adapted to print yellow, and a fourth variable graphic printing station (104"d) is adapted to print black.

4. The apparatus of claim 3, wherein the first variable graphic printing station (104"a) is adapted to print a first ink color at a first screen angle, the second variable graphic printing station (104"b) is adapted to print a second ink color at a second screen angle, the third variable graphic printing station (104"c) is adapted to print a third ink color at a third screen angle, and the fourth variable graphic printing station (104"d) is adapted to print a fourth ink color at a fourth screen angle.

5. The apparatus of claim 1, the plurality of variable graphic printing stations further comprising a plurality of n printing plates (100n) disposed on the print cylinder (112"), and wherein the variable printing patterns (200n) are disposed on the plurality of n printing plates (100n).

**Copy of Claims 1-8 from PCT/US2010/045987**

Page 3 of 4

6. The apparatus according to any of the preceding claims, further comprising a second constant graphic printing station (104'b) positioned adjacent the outer circumferential surface (106) of the central impression cylinder (102), the second constant graphic printing station (104'b) comprising:

a print cylinder (112') defining an outer circumferential surface (120);

a second constant graphic printing pattern (2000) disposed on the outer circumferential surface of the print cylinder;

an ink supply (124); and

an anilox roller (126) operably connected with the ink supply (124) and the print cylinder (112') wherein the anilox roller (126) is adapted to deposit ink from the ink supply onto the second constant graphic printing pattern (2000); and

wherein the second constant graphic printing pattern (2000) is different from the first constant graphic printing patterns (200n).

7. The apparatus of claim 6, further comprising a third constant graphic printing station (104'c) positioned adjacent the outer circumferential surface (106) of the central impression cylinder (102), the third constant graphic printing station (104'c) comprising:

a print cylinder (112') defining on outer circumferential surface (120);

a plurality of identical printing patterns (2000) operably disposed on the outer circumferential surface of the print cylinder;

an ink supply (124); and

an anilox roller operably connected with the ink supply and the print cylinder wherein the anilox roller is adapted to deposit ink from the ink supply onto the plurality of identical printing patterns (2000); and

wherein the plurality of identical printing patterns of each constant graphic printing station (104', 104'b, 104'c) are the same; and

wherein the constant graphic printing stations (104', 104'b, 104'c) are adapted to print ink colors different from each other.

8. A method for producing disposable absorbent articles (158) comprising the steps of:

feeding a substrate (108) onto a rotating central impression cylinder (102);

moving the substrate (108) past a constant graphic printing station (104') arranged adjacent an outer surface (106) of the central impression cylinder, wherein the constant graphic printing station (104') includes a print cylinder (112') with a plurality of identical printing patterns (2000) operably disposed thereon;

rotating the print cylinder (112') of the constant graphic printing station (104') to print a series of identical graphics on the substrate;

moving the substrate (108) past a plurality of variable graphic printing stations (104'') arranged around an outer surface (106) of the central impression cylinder (102), wherein each printing station includes a print cylinder (112'') with n variable printing patterns (200n) operably disposed thereon, wherein n is 2 or greater and wherein the n variable printing patterns are different from each other and are different from the identical printing patterns;

rotating the print cylinders (112'') of the variable graphic printing stations (104'') to print a series of n graphics adjacent the identical graphics;

converting the substrate (108) into printed components of disposable absorbent articles (158); and

placing the disposable absorbent articles (158) into a package (156).



# Claims Correspondence Table

Comparing Claims 1-8 of U.S. Patent Application No. 12/860,123 to  
Claims 1-8 of PCT/US2010/045987

Page 1 of 6

Claim from 12/860,123	Claim from PCT/US2010/045987	Comments
<p>1. An apparatus for printing disposable absorbent articles comprising:</p> <ul style="list-style-type: none"> <li>a central impression cylinder defining an outer circumferential surface;</li> <li>a constant graphic printing station positioned adjacent the outer circumferential surface of the central impression cylinder, the constant graphic printing station comprising: <ul style="list-style-type: none"> <li>a print cylinder defining an outer circumferential surface defining a first circumferential length;</li> <li>a constant graphic printing pattern disposed on the outer circumferential surface of the print cylinder;</li> <li>an ink supply; and</li> <li>an anilox roller operably connected with the ink supply and the print cylinder wherein the anilox roller is adapted to deposit ink from the ink supply onto the constant graphic printing pattern;</li> </ul> </li> <li>a first variable graphic printing station positioned adjacent the outer circumferential surface of the central impression cylinder;</li> <li>a second variable graphic printing station positioned adjacent the outer circumferential surface of the central impression cylinder;</li> <li>a third variable graphic printing station positioned adjacent the outer circumferential surface of the central impression cylinder;</li> <li>wherein each variable graphic printing station comprises: <ul style="list-style-type: none"> <li>a print cylinder defining on outer circumferential surface</li> </ul> </li> </ul>	<p>1. An apparatus (100) for printing disposable absorbent articles comprising:</p> <ul style="list-style-type: none"> <li>a central impression cylinder (102) defining an outer circumferential surface;</li> <li>a constant graphic printing station (104') positioned adjacent the outer circumferential surface (106) of the central impression cylinder (102), the constant graphic printing station (104') comprising: <ul style="list-style-type: none"> <li>a print cylinder (112') defining an outer circumferential surface (120) defining a first circumferential length;</li> <li>a constant graphic printing pattern (2000) disposed on the outer circumferential surface of the print cylinder;</li> <li>an ink supply (124); and</li> <li>an anilox roller (126) operably connected with the ink supply (124) and the print cylinder (112') wherein the anilox roller (126) is adapted to deposit ink from the ink supply onto the constant graphic printing pattern (2000);</li> </ul> </li> <li>a first variable graphic printing station (104"a) positioned adjacent the outer circumferential surface (106) of the central impression cylinder (102);</li> <li>a second variable graphic printing station (104"b) positioned adjacent the outer circumferential surface (106) of the central impression cylinder (102);</li> <li>a third variable graphic printing station (104"c) positioned adjacent the outer circumferential</li> </ul>	<p>U.S. Claim 1 sufficiently corresponds to PCT Claim 1.</p> <p>PCT Claim 1 also includes reference numbers.</p>

Claims Correspondence Table

Comparing Claims 1-8 of U.S. Patent Application No. 12/860,123 to  
Claims 1-8 of PCT/US2010/045987  
Page 2 of 6

Claim from 12/860,123	Claim from PCT/US2010/045987	Comments
<p>defining a second circumferential length;</p> <p>a plurality of n variable printing patterns disposed on the outer circumferential surface of the print cylinder, wherein n is 2 or greater and wherein the n variable printing patterns are different from each other;</p> <p>an ink supply; and</p> <p>an anilox roller operably connected with the ink supply and the print cylinder wherein the anilox roller is adapted to deposit ink from the ink supply onto the plurality of n variable printing patterns; and</p> <p>wherein the constant graphic printing pattern is different from the n variable printing patterns; and</p> <p>wherein the second circumferential length is at least two times the first circumferential length.</p>	<p>surface (106) of the central impression cylinder (102);</p> <p>wherein each variable graphic printing station (104"a, 104"b, 104"c) comprises:</p> <p>a print cylinder (112") defining an outer circumferential surface (120) defining a second circumferential length;</p> <p>a plurality of n variable printing patterns (200n) disposed on the outer circumferential surface of the print cylinder (112"), wherein n is 2 or greater and wherein the n variable printing patterns are different from each other;</p> <p>an ink supply (124); and</p> <p>an anilox roller (126) operably connected with the ink supply (124) and the print cylinder (112") wherein the anilox roller is adapted to deposit ink from the ink supply onto the plurality of n variable printing patterns; and</p> <p>wherein the constant graphic printing pattern (2000) is different from the n variable printing patterns (200n); and</p> <p>wherein the second circumferential length is at least two times the first circumferential length.</p>	
<p>2. The apparatus of claim 1, further comprising a fourth variable graphic printing station.</p>	<p>2. The apparatus of claim 1, further comprising a fourth variable graphic printing station (104"d).</p>	<p>U.S. Claim 2 sufficiently corresponds to PCT Claim 2.</p> <p>PCT Claim 2 also includes reference numbers.</p>

Claims Correspondence Table

Comparing Claims 1-8 of U.S. Patent Application No. 12/860,123 to  
Claims 1-8 of PCT/US2010/045987  
Page 3 of 6

Claim from 12/860,123	Claim from PCT/US2010/045987	Comments
3. The apparatus of claim 2, wherein the first variable graphic printing station is adapted to print cyan, the second variable graphic printing station is adapted to print magenta, the third variable graphic printing station is adapted to print yellow, and a fourth variable graphic printing station is adapted to print black.	3. The apparatus of claim 2, wherein the first variable graphic printing station (104"a) is adapted to print cyan, the second variable graphic printing station (104"b) is adapted to print magenta, the third variable graphic printing station (104"c) is adapted to print yellow, and a fourth variable graphic printing station (104"d) is adapted to print black.	U.S. Claim 3 sufficiently corresponds to PCT Claim 3.  PCT Claim 3 also includes reference numbers.
4. The apparatus of claim 3, wherein the first variable graphic printing station is adapted to print a first ink color at a first screen angle, the second variable graphic printing station is adapted to print a second ink color at a second screen angle, the third variable graphic printing station is adapted to print a third ink color at a third screen angle, and the fourth variable graphic printing station is adapted to print a fourth ink color at a fourth screen angle.	4. The apparatus of claim 3, wherein the first variable graphic printing station (104"a) is adapted to print a first ink color at a first screen angle, the second variable graphic printing station (104"b) is adapted to print a second ink color at a second screen angle, the third variable graphic printing station (104"c) is adapted to print a third ink color at a third screen angle, and the fourth variable graphic printing station (104"d) is adapted to print a fourth ink color at a fourth screen angle.	U.S. Claim 4 sufficiently corresponds to PCT Claim 4.  PCT Claim 4 also includes reference numbers.
5. The apparatus of claim 1, the plurality of variable graphic printing stations further comprising a plurality of n printing plates disposed on the print cylinder, and wherein the variable printing patterns are disposed on the plurality of n printing plates.	5. The apparatus of claim 1, the plurality of variable graphic printing stations further comprising a plurality of n printing plates (100n) disposed on the print cylinder (112"), and wherein the variable printing patterns (200n) are disposed on the plurality of n printing plates (100n).	U.S. Claim 5 sufficiently corresponds to PCT Claim 5.  PCT Claim 5 also includes reference numbers.
6. The apparatus of claim 1, further comprising a second constant graphic printing station positioned adjacent the outer circumferential surface of the	6. The apparatus according to any of the preceding claims, further comprising a second constant graphic printing station (104'b) positioned adjacent the	U.S. Claim 6 sufficiently corresponds to PCT Claim 6.

# Claims Correspondence Table

Comparing Claims 1-8 of U.S. Patent Application No. 12/860,123 to  
Claims 1-8 of PCT/US2010/045987

Page 4 of 6

Claim from 12/860,123	Claim from PCT/US2010/045987	Comments
<p>central impression cylinder, the second constant graphic printing station comprising:</p> <p style="padding-left: 40px;">a print cylinder defining an outer circumferential surface;</p> <p style="padding-left: 40px;">a second constant graphic printing pattern disposed on the outer circumferential surface of the print cylinder;</p> <p style="padding-left: 40px;">an ink supply; and</p> <p style="padding-left: 40px;">an anilox roller operably connected with the ink supply and the print cylinder wherein the anilox roller is adapted to deposit ink from the ink supply onto the second constant graphic printing pattern; and</p> <p style="padding-left: 40px;">wherein the second constant graphic printing pattern is different from the first constant graphic printing patterns.</p>	<p>outer circumferential surface (106) of the central impression cylinder (102), the second constant graphic printing station (104'b) comprising:</p> <p style="padding-left: 40px;">a print cylinder (112') defining an outer circumferential surface (120);</p> <p style="padding-left: 40px;">a second constant graphic printing pattern (2000) disposed on the outer circumferential surface of the print cylinder;</p> <p style="padding-left: 40px;">an ink supply (124); and</p> <p style="padding-left: 40px;">an anilox roller (126) operably connected with the ink supply (124) and the print cylinder (112') wherein the anilox roller (126) is adapted to deposit ink from the ink supply onto the second constant graphic printing pattern (2000); and</p> <p style="padding-left: 40px;">wherein the second constant graphic printing pattern (2000) is different from the first constant graphic printing patterns (200n).</p>	<p>U.S. Claim 6 depends only from Claim 1, whereas PCT Claim 6 depends from “any of the preceding claims.”</p> <p>PCT Claim 6 also includes reference numbers.</p>
<p>7. The apparatus of claim 1, further comprising a third constant graphic printing station positioned adjacent the outer circumferential surface of the central impression cylinder, the third constant graphic printing station comprising:</p> <p style="padding-left: 40px;">a print cylinder defining on outer circumferential surface;</p> <p style="padding-left: 40px;">a plurality of identical printing patterns operably disposed on the outer circumferential surface of the print cylinder;</p> <p style="padding-left: 40px;">an ink supply; and</p> <p style="padding-left: 40px;">an anilox roller operably connected with the ink supply and</p>	<p>7. The apparatus of claim 6, further comprising a third constant graphic printing station (104'c) positioned adjacent the outer circumferential surface (106) of the central impression cylinder (102), the third constant graphic printing station (104'c) comprising:</p> <p style="padding-left: 40px;">a print cylinder (112') defining on outer circumferential surface (120);</p> <p style="padding-left: 40px;">a plurality of identical printing patterns (2000) operably disposed on the outer circumferential surface of the print</p>	<p>U.S. Claim 7 sufficiently corresponds to PCT Claim 7.</p> <p>PCT Claim 7 also includes reference numbers.</p>

Claims Correspondence Table

Comparing Claims 1-8 of U.S. Patent Application No. 12/860,123 to  
Claims 1-8 of PCT/US2010/045987  
Page 5 of 6

Claim from 12/860,123	Claim from PCT/US2010/045987	Comments
<p>the print cylinder wherein the anilox roller is adapted to deposit ink from the ink supply onto the plurality of identical printing patterns; and</p> <p>wherein the plurality of identical printing patterns of each constant graphic printing station are the same; and</p> <p>wherein the constant graphic printing stations are adapted to print ink colors different from each other.</p>	<p>cylinder;</p> <p>an ink supply (124); and</p> <p>an anilox roller operably connected with the ink supply and the print cylinder wherein the anilox roller is adapted to deposit ink from the ink supply onto the plurality of identical printing patterns (2000); and</p> <p>wherein the plurality of identical printing patterns of each constant graphic printing station (104', 104'b, 104'c) are the same; and</p> <p>wherein the constant graphic printing stations (104', 104'b, 104'c) are adapted to print ink colors different from each other.</p>	
<p>8. A method for producing disposable absorbent articles comprising the steps of:</p> <p>feeding a substrate onto a rotating central impression cylinder;</p> <p>moving the substrate past a constant graphic printing station arranged adjacent an outer surface of the central impression cylinder, wherein the constant graphic printing station includes a print cylinder with a plurality of identical printing patterns operably disposed thereon;</p> <p>rotating the print cylinder of the constant graphic printing station to print a series of identical graphics on the substrate;</p> <p>moving the substrate past a plurality of variable graphic printing stations arranged around an outer surface of the central</p>	<p>8. A method for producing disposable absorbent articles (158) comprising the steps of:</p> <p>feeding a substrate (108) onto a rotating central impression cylinder (102);</p> <p>moving the substrate (108) past a constant graphic printing station (104') arranged adjacent an outer surface (106) of the central impression cylinder, wherein the constant graphic printing station (104') includes a print cylinder (112') with a plurality of identical printing patterns (2000) operably disposed thereon;</p> <p>rotating the print cylinder (112') of the constant graphic printing station (104') to print a series of identical graphics on the substrate;</p> <p>moving the substrate (108) past a plurality of variable graphic</p>	<p>U.S. Claim 8 sufficiently corresponds to PCT Claim 8.</p> <p>PCT Claim 8 also includes reference numbers.</p>

Claims Correspondence Table

Comparing Claims 1-8 of U.S. Patent Application No. 12/860,123 to  
Claims 1-8 of PCT/US2010/045987  
Page 6 of 6

Claim from 12/860,123	Claim from PCT/US2010/045987	Comments
<p>impression cylinder, wherein each printing station includes a print cylinder with n variable printing patterns operably disposed thereon, wherein n is 2 or greater and wherein the n variable printing patterns are different from each other and are different from the identical printing patterns;</p> <p>rotating the print cylinders of the variable graphic printing stations to print a series of n graphics adjacent the identical graphics;</p> <p>converting the substrate into printed components of disposable absorbent articles; and</p> <p>placing the disposable absorbent articles into a package.</p>	<p>printing stations (104") arranged around an outer surface (106) of the central impression cylinder (102), wherein each printing station includes a print cylinder (112") with n variable printing patterns (200n) operably disposed thereon, wherein n is 2 or greater and wherein the n variable printing patterns are different from each other and are different from the identical printing patterns;</p> <p>rotating the print cylinders (112") of the variable graphic printing stations (104") to print a series of n graphics adjacent the identical graphics;</p> <p>converting the substrate (108) into printed components of disposable absorbent articles (158); and</p> <p>placing the disposable absorbent articles (158) into a package (156).</p>	
9-25		U.S. Claims 9-25 were cancelled in the Preliminary Amendment filed on November 10, 2011.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/860,123	08/20/2010	Alrick Vincent Warner	11433	9375
<div>27752      7590      11/29/2011</div> <div>THE PROCTER &amp; GAMBLE COMPANY</div> <div>Global Legal Department - IP</div> <div>Sycamore Building - 4th Floor</div> <div>299 East Sixth Street</div> <div>CINCINNATI, OH 45202</div>				
			<div>EXAMINER</div> <div>ZALUKAEVA, TATYANA</div>	
			<div>ART UNIT</div> <div>3761</div>	<div>PAPER NUMBER</div>
			<div>MAIL DATE</div> <div>11/29/2011</div>	<div>DELIVERY MODE</div> <div>PAPER</div>

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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THE PROCTER & GAMBLE COMPANY  
Global Legal Department - IP  
Sycamore Building - 4th Floor  
299 East Sixth Street  
CINCINNATI OH 45202

*In re* Application of:  
WARNER, ALRICK VINCENT  
Serial No.: 12/860,123  
Filed: 08/20/2010  
Attorney Docket No. : 11433  
Title: ABSORBENT ARTICLES HAVING  
BOTH DISTINCT AND IDENTICAL  
GRAPHICS AND APPARATUS AND  
METHOD FOR PRINTING SUCH  
ABSORBENT ARTICLES

:  
:  
: DECISION ON A REQUEST TO  
: PARTICIPATE IN PATENT  
: PCT/PROSECUTION HIGHWAY  
: PROGRAM AND PETITION  
: TO MAKE SPECIAL UNDER  
: CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed Nov. 11, 2011 to make the above-identified application special.

The request and petition are **granted**.

A grantable request to participate in the PPH pilot program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more PCT applications filed in the IPAU, JPO, EPO, KIPO, or USPTO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and



(6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

Response must be filed via EFS-Web. Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

Petition is **granted**.

/Henry C. Yuen/

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Henry C. Yuen  
Special Programs Examiner  
Technology Center 3700  
Tel: 571-272-4856



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**JUL 05 2011**

**OFFICE OF PETITIONS**

**Scott C. Harris**  
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**P.O. Box 1389**  
**Rancho Santa Fe CA 92067**

In re Application of :  
Dalton Hayhurst et al. :  
Application No. 12/860,147 : **DECISION ON PETITION**  
Filed: August 20, 2010 :  
Attorney Docket No. Ubiquity-56Hayhurst :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 20, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Non-Provisional Application (Notice), mailed September 3, 2010. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on November 4, 2010. A Notice of Abandonment was mailed May 13, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an oath and declaration, replacement drawings, \$65 surcharge fee, \$82 basic filing fee, \$26 additional claim fee, \$270 search fee and \$110 examination fee, (2) the petition fee of \$810, and (3) a proper statement of unintentional delay. Accordingly the fees, oath and declaration and replacement drawings are accepted as being unintentionally delayed.

The surcharge fee of \$65 was not paid upon the filing of the petition. As authorized this fee as required by the Notice will be charged to petitioner's deposit account.

Telephone inquiries should be directed to the Kimberly Inabinet at (571) 272-4618.

This application is being referred to the Office of Patent Application Processing for appropriate action in the normal course of business on the reply received June 20, 2011.

/Kimberly Inabinet/

Kimberly Inabinet  
Petitions Examiner  
Office of Petitions

Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (12-09)

Approved for use through 05/31/2010. OMB 0651-0052  
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

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## PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket  
Number: 54727-C1

Application Number  
(if known): 12/860,162

Filing date: 8/20/2010

First Named  
Inventor: Lester

Title: GaN Based LED having Reduced Thickness and Method for Making the Same

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

**Applicant is requesting early publication:** Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request. Applicant hereby rescinds under 37 CFR 1.213(b) any previous filed request that the above-identified application not be published under 35 U.S.C. 122(b).

**If the application has been published, the petition must still be accompanied by the publication fee set forth in 37 CFR 1.18(d) and a statement that the application has been published.**

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirement and classification requirement set forth in the notice entitled "Pilot Program for Green Technologies Including Greenhouse Gas Reduction" that was published in the Federal Register if the Office determines that the claims are not obviously directed to a single invention.
3. This request is accompanied by statements of special status for the eligibility requirement.
4. The application contains no more than three (3) independent claims and twenty (20) total claims.
5. The application does not contain any multiple dependent claims.
6. Other attachments: \_\_\_\_\_

Signature



Date November 18, 2010

Name  
(Print/Typed) Calvin B. Ward

Registration Number 30,896

**Note:** Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below\*.



\*Total of \_\_\_\_\_ forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant:	Lester, et al	
Serial No.:	12/860,162	
Filed:	8/20/2010	
For:	GaN Based LED having Reduced Thickness and Method for Making the Same	
Group Art Unit:	not yet assigned	Examiner: not yet assigned

**STATEMENT OF SPECIAL STATUS**

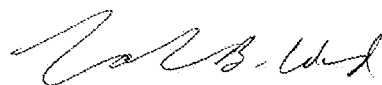
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant submits that the above-identified patent application should be afforded special status under the green technology pilot program as pertaining to energy conservation. Applicant suggests the classification 257/79 as an appropriate classification for this application, as the subject matter of the invention specifically concerns light emitting diode structures, which are not only active solid state devices, as covered by classification 257, but also incoherent light emitters, as covered by sub-classification 79.

Applicant calls to the Commissioner's attention the fact that this application is a continuation of an application that has already been published.

Respectfully Submitted,



Calvin B. Ward  
Registration No. 30,896  
Date November 18, 2010



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

THE LAW OFFICES OF CALVIN B. WARD  
18 CROW CANYON COURT, SUITE 305  
SAN RAMON CA 94583

**MAILED**

**DEC 02 2010**

**OFFICE OF PETITIONS**

In re Application of  
LESTER et al.  
Application No. 12/860,162  
Filed: 08/20/2010  
Attorney Docket No. 54727-C1

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NOTICE

This is a Notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed October 22, 2010.

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

This application is being referred to the Office of Patent Application Processing for further pre-examination processing.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3211.

*C. T. Donnell*

Christina Tartera Donnell  
Senior Petitions Attorney  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
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THE LAW OFFICES OF CALVIN B. WARD  
18 CROW CANYON COURT, SUITE 305  
SAN RAMON, CA 94583

**MAILED**

**SEP 27 2011**

**OFFICE OF PETITIONS**

In re Application of  
Steven D. Lester, et. al.  
Application No. 12/860,162  
Filed: August 20, 2010  
Attorney Docket No. **54727-C1**

ON PETITION

This is a decision on the petition under 37 CFR 1.137(a), filed June 29, 2011, to revive the above-identified application.

The petition is **DISMISSED**.

Any further petition to revive must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Petition under 37 CFR 1.137." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

A grantable petition under 37 CFR 1.137(a) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(l); (3) a showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(d). The instant petition lacks item (3).

The application became abandoned for failure to timely file a response to the Notice to File Corrected Application Papers (Notice) mailed September 7, 2010.

In the present petition, petitioner states that "Applicants records do not indicate that a filing receipt or notice to correct defects was ever received in this application. Applicant's procedures require that all incoming papers be logged in a master log on receipt. Neither a notice to correct defects nor a filing receipt appears in this log".

Decisions on reviving abandoned applications on the basis of “unavoidable” delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable:

The word ‘unavoidable’ . . . is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.

In re Mattullath, 38 App. D.C. 497, 514-15 (1912)(quoting Ex parte Pratt, 1887 Dec. Comm’r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 USPQ 666, 167-68 (D.D.C. 1963), aff’d, 143 USPQ 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm’r Pat. 139, 141 (1913). In addition, decisions on revival are made on a “case-by-case basis, taking all the facts and circumstances into account.” Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). Finally, a petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was “unavoidable.” Haines v. Quigg, 673 F. Supp. 314, 316-17, 5 USPQ2d 1130, 1131-32 (N.D. Ind. 1987).

A review of the record indicates no irregularity in the mailing of the September 7, 2010, Notice and in the absence of any irregularity in the mailing, there is a strong presumption that the Notice was properly mailed to the address of record.

MPEP 711.03(c) states: The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response. Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner’s record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required. A copy of the practitioner’s record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office

action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

In the present petition, petitioner did not submit any statements, documentary evidence, or an explanation of his method for tracking due dates for filing responses to communications from the USPTO to show he did not receive the Notice of September 7, 2010. Therefore, the present petition cannot be granted at this time.

In view of the above, the showing of record is not sufficient to establish to the satisfaction of the Director that the delay was unavoidable within the meaning of 35 U.S.C. § 133 and 37 CFR 1.137(a). See MPEP 711(c)(II)(C)(2) for a discussion of the requirements for a showing of unavoidable delay.

If petitioner cannot provide the evidence required to establish under the 37 CFR 1.137(a) that the delay in providing the required reply to the Notice mailed on September 7, 2010, was unavoidable, or simply does not wish to, petitioner should consider filing a petition stating that the delay was unintentional. Public Law 97-247, § 3, 96 Stat. 317 (1982), which revised patent and trademark fees, amended 35 U.S.C. § 41(a)(7) to provide for the revival of an "unintentionally" abandoned application without a showing that the delay in prosecution or in late payment of the issue fee was "unavoidable." This amendment to 35 U.S.C. § 41(a)(7) has been implemented in 37 CFR 1.137(b). An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the \$930 petition fee<sup>1</sup>.

The filing of a petition under 37 CFR 1.137(b) cannot be intentionally delayed and therefore must be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

Further correspondence with respect to this matter should be addressed as follows:

By mail:                      Mail Stop PETITION  
                                    Commissioner for Patents  
                                    P. O. Box 1450  
                                    Alexandria, VA 22313-1450

By facsimile:              (571) 273-8300  
                                    Attn: Office of Petitions

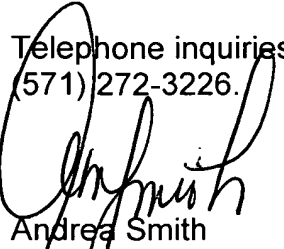
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<sup>1</sup> Effective September 26, 2011, a petition for unintentional revival under 37 CFR 1.137(b) will be increased from \$810 to \$930.



By hand: U. S. Patent and Trademark Office  
Customer Service Window, Mail Stop Petitions  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Telephone inquiries concerning this decision should be directed to Andrea Smith at  
(571) 272-3226.



Andrea Smith  
Petitions Examiner  
Office of Petitions



David Bugeit  
Petitions Examiner



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
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P.O. Box 1450  
Alexandria, VA 22313-1450  
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THE LAW OFFICES OF CALVIN B. WARD  
18 CROW CANYON COURT, SUITE 305  
SAN RAMON, CA 94583

**MAILED**

OCT 18 2011

OFFICE OF PETITIONS

In re Application of :  
Steven D. Lester, et. al. :  
Application No. 12/860,162 :  
Filed: August 20, 2010 :  
Attorney Docket No. 54727-C1 :

ON PETITION

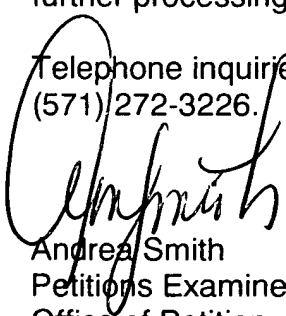
This is a decision on the petition under 37 CFR 1.137(b), filed October 4, 2011, to revive the above-identified application.

In response to the decision mailed September 27, 211, petitioner submits the present petition along with the \$1,860 petition fee and an amendment.

Since the petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment; (2) the petition fee of \$1,860; and (3) an adequate statement of unintentional delay<sup>1</sup>. Therefore, the petition is **GRANTED**.

This application file is being referred to the Office of Patent Application Processing for further processing in accordance with this decision.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

  
Andrea Smith  
Petitions Examiner  
Office of Petition

<sup>1</sup> 37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Since the statement contained in the instant petition varies from the language required by 37 CFR 1.137(b)(3), the statement is being construed as the statement required by 37 CFR 1.137(b)(3) and petitioner must notify the Office if this is not a correct interpretation of the statement.



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/860,162	08/20/2010	Steven D. Lester	54727-C1	9456

28241 7590 11/09/2011  
THE LAW OFFICES OF CALVIN B. WARD  
18 CROW CANYON COURT, SUITE 305  
SAN RAMON, CA 94583

EXAMINER
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ART UNIT	PAPER NUMBER
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2826

MAIL DATE	DELIVERY MODE
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11/09/2011

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
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Alexandria, VA 22313-1450  
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THE LAW OFFICES OF CALVIN B. WARD  
18 CROW CANYON COURT, SUITE 305  
SAN RAMON CA 94583

NOV 9 2011

In re Application of	:	
LESTER et al.	:	DECISION ON PETITION
Application No. 12/860,162	:	TO MAKE SPECIAL UNDER
Filed: August 20, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 9456	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on November 18, 2010 to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made

by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The petition lacks items 1 and 4.

In regard to item 1, the instant application currently contains more than 3 independent claims.

In regard to item 4, applicant's statement pertaining to how the materiality standard is met does not satisfy the requirements for this pilot. The petition alleges that the claimed invention pertains to conservation of energy. The claims do not limit the device to an LED or semiconductor based light emitting device. The materiality standard does not permit an applicant to speculate as to how a hypothetical end-user might specially apply the invention in a manner that could contribute to conservation of energy. Any argument that the claimed invention can be used with LEDs is considered speculate as to how a hypothetical end-user might specially apply the claimed invention. Favorable consideration would be given if the claims were amended to specifically require the device to be an LED or semiconductor based light emitting device.

Any reconsideration of this decision should be submitted through the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen.

Telephone inquiries concerning this decision should be directed to Colleen Dunn at 571-272-1170.

The application is being forwarded to the appropriate Technology Center Art Unit for action in its regular turn.

/Colleen Dunn/

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Colleen Dunn  
Quality Assurance Specialist  
Technology Center 2800

PATENT APPLICATION  
Attorney Docket: 54727-C1

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant:	Lester, et al	
Serial No.:	12/860,162	
Filed:	8/20/2010	
For:	GaN Based LED having Reduced Thickness and Method for Making the Same	
Group Art Unit:	2826	Examiner: not yet assigned

**AMENDMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In reply to the Decision of Petition to Make Special under the Green Technology Pilot Program dated 11/09/11, in the above-identified patent application, Applicant submits the following Amendments and Remarks. Applicant respectfully requests that the following amendments be entered into the above-identified application and that the Examiner reconsider the grounds for rejection stated in the Decision.



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/860,162	08/20/2010	Steven D. Lester	54727-C1	9456
28241	7590	12/05/2011		
THE LAW OFFICES OF CALVIN B. WARD 18 CROW CANYON COURT, SUITE 305 SAN RAMON, CA 94583			EXAMINER	
			ART UNIT	PAPER NUMBER
			2826	
			MAIL DATE	DELIVERY MODE
			12/05/2011	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
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THE LAW OFFICES OF CALVIN B. WARD  
18 CROW CANYON COURT, SUITE 305  
SAN RAMON CA 94583

DEC 05 2011

In re Application of	:	
Lester et al.	:	DECISION ON PETITION
Application No. 12/860,162	:	TO MAKE SPECIAL UNDER
Filed: 8/20/2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 54727-C1	:	PILOT PROGRAM

This is a decision on the request for reconsideration under 37 CFR 1.102, filed 11/22/2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).



The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded “special” status.

Telephone inquiries concerning this decision should be directed to Tom Dunn at 571-272-1171.

The application is being forwarded to the Technology Center Art Unit 2826 for action on the merits commensurate with this decision.

/Tom Dunn/

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Tom Dunn  
Quality Assurance Specialist  
Technology Center 1700

# REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No:	12/860,274	Filing date:	August 20, 2010
First Named Inventor:	Lee, Kyung Jun		
Title of the Invention:	Apparatus And Method of Transmitting Data Block on Uplink Frequencies		
THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT <a href="http://www.uspto.gov/ebs/efs_help.html">HTTP://WWW.USPTO.GOV/EBS/EFSS_HELP.HTML</a>			

**APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.**

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

**The corresponding PCT application number(s) is/are:** PCT/KR2010/005545

**The international filing date of the corresponding PCT application(s) is/are:** August 20, 2010

## I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)**



Is attached.



Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**



Is attached.



Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM  
BETWEEN THE KIPO AND THE USPTO**

(continued)

Application No.: 12/860,274

First Named Inventor: Lee, Kyung Jun

d. (1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.



Is attached

Has already been filed in the above-identified U.S. application on April 13, 2011

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)



Are attached.

Have already been filed in the above-identified U.S. application on April 13, 2011**II. Claims Correspondence Table:**

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	Same
2	2	Same
3	3	Same
4	4	Same
5	5	Same
6	6	Same
7	7	Same
8	8	Same
9	9	Same
10	10	Same
11	11	Same
12	12	Same
13	13	Same
14	14	Same
15-16 Canceled	NA	Canceled
17	15	Same
18-20 Canceled	NA	Canceled

**III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.**

Signature /Michael I. Angert/	Date October 17, 2011
Name (Print/Typed) Michael I. Angert	Registration Number 46,522

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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United States Patent and Trademark Office  
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Alexandria, VA 22313-1450  
www.uspto.gov

**MCKENNA LONG & ALDRIDGE LLP**  
**1900 K STREET, NW**  
**WASHINGTON DC 20006**

**MAILED**

**FEB 27 2012**

**OFFICE OF PETITIONS**

In re Application of  
Kyung Jun Lee, et al.  
Application No.: 12/860,274  
Filed: August 20, 2010  
Attorney Docket No.: 8737.406.00  
For: **APPARATUS AND METHOD OF  
TRANSMITTING DATA BLOCK ON  
UPLINK FREQUENCIES**

: DECISION ON REQUEST TO  
: PARTICIPATE IN THE PATENT  
: PROSECUTION HIGHWAY  
: PROGRAM AND PETITION  
: TO MAKE SPECIAL UNDER  
: 37 CFR 1.102(a)  
:

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed October 17, 2011, to make the above-identified application special.

The request and petition are **DENIED**.

A grantable request to participate in the PPH program and petition to make special require:

1. The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the KIPO, note where the KIPO application with similar claims is not the same application from which the U.S. application claims priority then the applicant must identify the relationship between the KIPO application with similar claims and the KIPO priority application;
2. Applicant must submit a copy of:
  - a. The allowable/patentable claim(s) from the KIPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
  - b. An English translation of the allowable/patentable claim(s) and
  - c. A statement that the English translation is accurate;
3. Applicant must:
  - a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KIPO application(s) and

- b. Submit a claims correspondence table in English;
- 4. Examination of the U.S. application has not begun;
- 5. Applicant must submit:
  - a. Documentation of prior office action:
    - i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the KIPO application(s) containing the allowable/patentable claim(s) or
    - ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
    - iii. if the KIPO application is a first action allowance then no office action from the KIPO is necessary should be indicated on the request/petition form;
  - Further, if a copy of the documents from a or b above is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
  - b. An English language translation of the KIPO Office action from (5)(a)(i)-(ii) above
  - c. A statement that the English translation is accurate;
- 6. Applicant must submit:
  - a. An IDS listing the documents cited by the KIPO examiner in the KIPO office action (unless already submitted in this application)
  - b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH pilot program and the present petition fails meet condition (4) above.

In this regard, since examination of the application began January 26, 2012, the present petition cannot be granted.

Telephone inquiries concerning this decision should be directed to Terri Johnson at (571) 272-2991. All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.

This application is being referred to Technology Center Art Unit 2472 to await a response to the Office action mailed January 24, 2012.



Anthony Knight  
Director  
Office of Petitions



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United States Patent and Trademark Office  
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**WONG, CABELLO, LUTSCH, RUTHERFORD &  
BRUCCULERI, L.L.P.**  
20333 SH 249 6TH FLOOR  
HOUSTON TX 77070

**MAILED**

**JUN 16 2011**

**OFFICE OF PETITIONS**

In re Application of	:	
Morozov et al.	:	
Application No. 12/860,334	:	DECISION ON PETITION
Filed: August 20,, 2010	:	TO WITHDRAW
Attorney Docket No. 09-089-US (149-0253US)	:	FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 17, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office will require the practitioner(s) to certify that he, she or they have: (1) given reasonable notice to the client, prior to the expiration of the reply period, which the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any replies that may be due and the time frame within which the client must respond, pursuant to 37 CFR 10.40 (c).

The request was signed by Coe F. Miles on behalf of all the practitioners of record associated with Customer Number 29855.

Customer Number 29855 has been withdrawn as attorney from record. Applicant is reminded that there is no attorney of record at this time.

Since no change of correspondence address was indicated, the address will remain unchanged.

There are no outstanding Office actions that require a reply.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-6059. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Alicia Kelley-Collier  
Petitions Examiner  
Office of Petitions



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/860,334	08/20/2010	Vitaly Morozov	09-089-US (149-0253US)

**CONFIRMATION NO. 9813**

**POWER OF ATTORNEY NOTICE**



29855  
WONG, CABELLO, LUTSCH, RUTHERFORD & BRUCCULERI,  
L.L.P.  
20333 SH 249 6th Floor  
HOUSTON, TX 77070

Date Mailed: 06/16/2011

**NOTICE REGARDING CHANGE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 05/17/2011.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/atkelley-collier/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (11-10)

Approved for use through 01/31/2011. OMB 0651-0062

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket  
Number: 06720.0317-00000

Application Number  
(if known): 12/860,355

Filing date: August 20, 2010

First Named  
Inventor: Chi-Chang CHEN

Title: FUEL CELL DEVICES

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

**Applicant is requesting early publication:** Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: Preliminary Amendment

Signature /Ming-Tao Yang/

Date February 14, 2011

Name  
(Print/Typed) Ming-Tao Yang

Registration Number 62,019

**Note:** Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below\*.

☒ \*Total of 1 forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PATENT  
Customer No. 22,852  
Attorney Docket No. . 06720.0317-00000

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: )  
 )  
Chi-Chang CHEN et al. ) Group Art Unit: 1725  
 )  
Application No.: 12/860,355 ) Examiner: Jonathan G. Leong  
 )  
Filed: August 20, 2010 ) Confirmation No.: 9857  
 )  
For: FUEL CELL DEVICES ) VIA EFS-WEB

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**STATEMENT IN SUPPORT OF PETITION TO MAKE SPECIAL  
UNDER THE GREEN TECHNOLOGY PILOT PROGRAM**

Applicants hereby petition to make the above-identified application special under the Green Technology Pilot Program. Applicants assert that this application is eligible for special status under the Green Technology Pilot Program, the requirements for which are set forth in the Federal Register. See Pilot Program for Green Technologies Including Greenhouse Gas Reduction, 74 Fed. Reg. 64,666-69 (December 8, 2009) and 75 Fed. 28554-55 (May 21, 2010) ("the Federal Register Notices"). This application satisfies the requirements of Section I, and the eligibility requirements of Section II or III of the December 8, 2009, Federal Register Notice, as modified or further explained in the May 21, 2010, Federal Register Notice, as set forth below.

I. Requirements Under Section I of the Federal Register Notices

(1) This application is a non-reissue, non-provisional utility application filed under 35 U.S.C. § 111(a). This application has a U.S. filing date after December 8, 2009, but is eligible for participation pursuant to 75 Fed. Reg. 69049-50 (November 10, 2010) which expanded the Pilot Program to include applications filed on or after December 8, 2009.

(2) This application relates to fuel cell devices, which enable efficient generation of energy, thereby facilitating energy conservation. This application is directed to a single invention that materially enhances the quality of the environment or materially contributes to the more efficient utilization and conservation of energy resources. Accordingly, this application is eligible for the Green Technology Pilot Program. Further, the requirement that an application be classified in one of the specific U.S. classifications identified in section VI of the Program Notice has been eliminated by the notice entitled "Elimination of Classification Requirement in the Green Technology Pilot Program," 75 Fed. Reg. 28554-55 (May 21, 2010).

(3) This Petition is being filed concurrently with a Preliminary Amendment in compliance with 37 C.F.R. § 1.121. As amended by the Preliminary Amendment, this application currently contains three independent claims, twenty total claims, and no multiple dependent claims.

(4) If the Office determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), Applicants agree to make an election without traverse in a telephonic interview, and to elect an invention that meets the eligibility requirements set forth in the Federal Register Notices.

(5) This Petition is being electronically filed with a Form PTO/SB/420.

(6) To the undersigned's knowledge, this Petition is being filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system.

(7) As stated on the Form PTO/SB/420, Applicants request early publication under 37 C.F.R. § 1.219. The \$300.00 publication fee set forth in 37 C.F.R. § 1.18(d) accompanies this Petition.

## II. Requirements Under Section III of the Federal Register Notice

Applicants assert that the basis for the special status is that the invention materially contributes to the development of renewable energy resources, and/or more efficient utilization and conservation of energy resources. The application disclosure is clear on its face that the claimed invention materially contributes to the development of renewable energy resources, and/or more efficient utilization and conservation of energy resources. For example, the application provides the following descriptions:

[0002] This application relates in general to **fuel cell devices** and in particular to fuel cell modules having a component configured to provide a contact force.

. . .

[0003] Fluid flow plates are structures that are designed for fluid-related applications, such as for carrying, delivering, dividing, and/or distributing one or more types of fluids. . . .

. . .

[0004] As an illustrative example, **one of the many uses for fluid flow plates is fuel cell applications**, in which fluid flow plates may be used to transport, guide, and/or distribute

one or more kinds of "fuel", which may be in a liquid or gaseous form, **for generating electric power.** . . .

. . .

[0022] Embodiments disclosed herein include fuel cell modules that have one or more components that may be structured to provide a non-planar surface, which may provide a contact force in assembling the fuel cell modules or in assembled fuel cell modules. . . . Depending on system designs, applications, or other factors, **the contact force may provide improved electrical conductivity, consistency in electrical conductivity, and/or long-term reliability** in some embodiments.

(Applicants' specification, paragraph [0002]-[0022]) (emphasis added).

### III. Conclusion

This Petition is in full compliance with the pertinent statutes and regulations. If the Office, for any reason, considers this Petition to not be in full compliance with the pertinent statutes and regulations, the Office is invited to call Applicants' undersigned representative to discuss any potential deficiency.

If any additional fee is necessary, please charge the fee to Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: February 14, 2011

By: /Ming-Tao Yang/  
Ming-Tao Yang  
Reg. No. 62,019  
Telephone: 650.849.6783



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/860,355	08/20/2010	Chi-Chang CHEN	06720.0317-00000	9857
22852	7590	03/15/2011	EXAMINER	
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			LEONG, JONATHAN G	
			ART UNIT	PAPER NUMBER
			1725	
			MAIL DATE	DELIVERY MODE
			03/15/2011	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER  
LLP  
901 NEW YORK AVENUE, NW  
WASHINGTON DC 20001-4413

3/15/2011

In re Application of	:	
Chen et al.	:	
Application No. 12/860,355	:	DECISION ON PETITION
Filed: 8/20/2010	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 06720.0317-00000	:	THE GREEN TECHNOLOGY
	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 2/14/2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a

request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded “special” status.

Telephone inquiries concerning this decision should be directed to Tom Dunn at 571-272-1171.

The application is being forwarded to the Technology Center Art Unit 1725 for action on the merits commensurate with this decision.

/Tom Dunn/

---

Tom Dunn  
Quality Assurance Specialist  
Technology Center 1700





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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/860,360	08/20/2010	Kentaro TOMIOKA	SUTOSH.653AUS	9874

20995	7590	04/13/2011
KNOBBE MARTENS OLSON & BEAR LLP		
2040 MAIN STREET		
FOURTEENTH FLOOR		
IRVINE, CA 92614		

EXAMINER	
DATSKOVSKIY, MICHAEL V	

ART UNIT	PAPER NUMBER
2835	

NOTIFICATION DATE	DELIVERY MODE
04/13/2011	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jcartee@kmob.com  
efiling@kmob.com  
eOAPilot@kmob.com



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**KNOBBE MARTENS OLSON & BEAR LLP**  
**2040 MAIN STREET**  
**FOURTEENTH FLOOR**  
**IRVINE CA 92614**

<b>In re Application of</b>	<b>: DECISION ON REQUEST TO</b>
<b>TOMIOKA et al.</b>	<b>: PARTICIPATE IN THE PATENT</b>
<b>Application No.: 12/860,360</b>	<b>: PROSECUTION HIGHWAY</b>
<b>Filed: 20 August 2010</b>	<b>: PROGRAM AND PETITION</b>
<b>Attorney Docket No.: SUTOSH.653AUS</b>	<b>: TO MAKE SPECIAL UNDER</b>
<b>For: ELECTRONIC APPARATUS</b>	<b>: 37 CFR 1.102(a)</b>

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 02 March 2011, to make the above-identified application special.

The request and petition are GRANTED.

**Discussion**

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application is
  - a. a Paris Convention application which either
    - i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
    - ii. validly claims priority to a PCT application that contains no priority claims, or
  - b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
    - i. validly claims priority to an application filed in the JPO, or
    - ii. validly claims priority to a PCT application that contains no priority claims, or
    - iii. contains no priority claim, or
  - c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
    - i. validly claims priority to an application filed in the JPO, or
    - ii. validly claims priority to a PCT application that contains no priority claims, or
    - iii. contains no priority claim;
2. Applicant must submit a copy of:

- a. The allowable/patentable claim(s) from the JPO application(s);
  - b. An English translation of the allowable/patentable claim(s) and
  - c. A statement that the English translation is accurate;
3. Applicant must:
  - a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
  - b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
  - a. Documentation of prior office action:
    - i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
    - ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
    - iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
  - b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
  - c. A statement that the English translation is accurate;
6. Applicant must submit:
  - a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
  - b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.



Lee W. Young  
TQAS, Technology Center 2800 – Semiconductors  
Electrical & Optical Systems & Components



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**120 SOUTH LASALLE STREET**  
**SUITE 1600**  
**CHICAGO IL 60603-3406**

**MAILED**

**SEP 27 2010**

**OFFICE OF PETITIONS**

In re Application of

Dieter M. GRUEN

Application No. 12/860,405

Filed: August 20, 2010

Attorney Docket No. 6263-98409-US

DECISION ON PETITION  
TO MAKE SPECIAL UNDER  
37 CFR 1.102(c)(1)

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 24, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement made by registered Attorney Steven G. Parmelee, which will be treated as the result of the attorney having evidence that at least one of the applicants is 65 years of age or more. In the event that such evidence is not with the attorney, the Office should be notified immediately. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to undersigned at (571) 272-6735.

All other inquiries should be directed to the Office of Data Management at (571) 272-4000.

This matter is being referred to the Office of Data Management for further processing. This application will be accorded "special" status when pre-examination processing is done.

/dgc/

Diane C. Goodwyn  
Petitions Examiner  
Office of Petitions

Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (11-10)

Approved for use through 01/31/2011. OMB 0851-0062

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

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## PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket  
Number: 06720.0315-00000

Application Number  
(if known): 12/860,421

Filing date: August 20, 2010

First Named  
Inventor: Chi-Chang CHEN

Title: FLUID FLOW PLATE ASSEMBLY HAVING PARALLEL FLOW CHANNELS

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

**Applicant is requesting early publication:** Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: \_\_\_\_\_

Signature /Ming-Tao Yang/

Date February 14, 2011

Name  
(Print/Typed) Ming-Tao Yang

Registration Number 62,019

*Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below.*

☒ \*Total of <sup>1</sup> forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

*If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.*

PATENT  
Customer No. 22,852  
Attorney Docket No. 06720.0315-00000

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:	)	
	)	
Chi-Chang CHEN et al.	)	Group Art Unit: 3753
	)	Examiner: Not yet assigned
Application No.: 12/860,421	)	
	)	Confirmation No.: 9992
Filed: August 20, 2010	)	
	)	<u>VIA EFS-WEB</u>
For: FLUID FLOW PLATE ASSEMBLY	)	
HAVING PARALLEL FLOW		
CHANNELS		

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**STATEMENT IN SUPPORT OF PETITION TO MAKE SPECIAL  
UNDER THE GREEN TECHNOLOGY PILOT PROGRAM**

Applicants hereby petition to make the above-identified application special under the Green Technology Pilot Program. Applicants assert that this application is eligible for special status under the Green Technology Pilot Program, the requirements for which are set forth in the Federal Register. See Pilot Program for Green Technologies Including Greenhouse Gas Reduction, 74 Fed. Reg. 64,666-69 (December 8, 2009) and 75 Fed. 28554-55 (May 21, 2010) ("the Federal Register Notices"). This application satisfies the requirements of Section I, and the eligibility requirements of Section II or III of the December 8, 2009, Federal Register Notice, as modified or further explained in the May 21, 2010, Federal Register Notice, as set forth below.

I. Requirements Under Section I of the Federal Register Notices

(1) This application is a non-reissue, non-provisional utility application filed under 35 U.S.C. § 111(a). This application has a U.S. filing date after December 8, 2009, but is eligible for participation pursuant to 75 Fed. Reg. 69049-50 (November 10, 2010) which expanded the Pilot Program to include applications filed on or after December 8, 2009.

(2) This application relates to fuel cell devices, which enable efficient generation of energy, thereby facilitating energy conservation. This application is directed to a single invention that materially enhances the quality of the environment or materially contributes to the more efficient utilization and conservation of energy resources. Accordingly, this application is eligible for the Green Technology Pilot Program. Further, the requirement that an application be classified in one of the specific U.S. classifications identified in section VI of the Program Notice has been eliminated by the notice entitled "Elimination of Classification Requirement in the Green Technology Pilot Program," 75 Fed. Reg. 28554-55 (May 21, 2010).

(3) This application currently contains two independent claims, nineteen total claims, and no multiple dependent claims.

(4) If the Office determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), Applicants agree to make an election without traverse in a telephonic interview, and to elect an invention that meets the eligibility requirements set forth in the Federal Register Notices.

(5) This Petition is being electronically filed with a Form PTO/SB/420.

(6) To the undersigned's knowledge, this Petition is being filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system.

(7) As stated on the Form PTO/SB/420, Applicants request early publication under 37 C.F.R. § 1.219. The \$300.00 publication fee set forth in 37 C.F.R. § 1.18(d) accompanies this Petition.

## II. Requirements Under Section III of the Federal Register Notice

Applicants assert that the basis for the special status is that the invention materially contributes to the development of renewable energy resources, and/or more efficient utilization and conservation of energy resources. The application disclosure is clear on its face that the claimed invention materially contributes to the development of renewable energy resources, and/or more efficient utilization and conservation of energy resources. For example, the application provides the following descriptions:

[0002] This application relates in general to **fluid flow plate assemblies** and in particular to fluid flow plate assemblies having parallel flow channels.

...

[0003] Fluid flow plates are structures that are designed for fluid-related applications, such as for carrying, delivering, dividing, and/or distributing one or more types of fluids. . . .

...

[0004] As an illustrative example, **one of the many uses for fluid flow plates is fuel cell applications**, in which fluid flow plates may be used to transport, guide, and/or distribute one or more kinds of "fuel", which may be in a liquid or gaseous form, **for generating electric power**. . . .



...

[0022] Embodiments disclosed herein may include parallel flow channels placed on opposite sides of a dividing wall to form a part of a fuel cell device. In some embodiments, multiple flow channels may share one or two common manifolds for the intake and/or discharge of a fluid. FIG. 2A illustrates an exploded view diagram of an exemplary fuel cell module or device consistent with an embodiment. **A fuel cell system may have multiple fuel cell modules stacked sequentially to provide a complete system or fuel cell battery.** ...

...

[0036] Embodiments illustrated above provide fuel cell modules or devices and fluid flow plate assemblies that may be coupled with fuel cell modules or devices. ... In some embodiments, because the first and second manifolds are embedded in the fluid flow plate assembly, **flow resistance can be reduced in some instances to prevent uneven reactant fluid flow rates and inconsistent distributed concentrations of the reactant fluid, improving the efficiency of the fuel cell.**

(Applicants' specification, paragraph [0002]-[0036]) (emphasis added).

### III. Conclusion

This Petition is in full compliance with the pertinent statutes and regulations. If the Office, for any reason, considers this Petition to not be in full compliance with the pertinent statutes and regulations, the Office is invited to call Applicants' undersigned representative to discuss any potential deficiency.

Application No.: 12/860,421  
Attorney Docket No. 06720.0315-00000

If any additional fee is necessary, please charge the fee to Deposit Account

No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: February 14, 2011

By: /Ming-Tao Yang/  
Ming-Tao Yang  
Reg. No. 62,019  
Telephone: 650.849.6783



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/860,421	08/20/2010	Chi-Chang Chen	06720.0315-00000	9992
22852 7590 02/24/2011 FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			EXAMINER	
			ART UNIT 3753	PAPER NUMBER
			MAIL DATE 02/24/2011	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
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Alexandria, VA 22313-1450  
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FINNĒGAN, HENDERSON, FARABOW, GARRETT & DUNNER  
LLP  
901 NEW YORK AVENUE, NW  
WASHINGTON DC 20001-4413

In re Application of	:	
CHEN, CHI-CHANG et al	:	DECISION ON PETITION
Application No. 12/860,421	:	TO MAKE SPECIAL UNDER
Filed: Aug. 16, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 06720.0315-00000	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed Feb. 14, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **dismissed**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the

Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The petition lacks item # 4.

In regard to item 4, petitioner should note that the instant petition includes a statement identifying the basis for the special status (i.e., whether the instant invention (1) materially enhances the quality of the environment or materially contributes to (2) development of renewable energy resources or energy conservation, or (3) greenhouse gas reduction) as required by sections II and III of the notice. However, as stated in the notice, applicant must also provide a statement pertaining to the materiality standard if the application disclosure is not clear on its face as to the materiality of the basis for the special status of the invention. This petition lacks such a statement and it is not agreed that the application on its face meets that materiality standard. Petitioner states that the claimed invention relates to contribution of development of renewable energy. This is not convincing. It is not clear how the claimed fluid flow plates with manifolds and fluid channels will provide and enhance the quality of the environment or contribute to development of renewable energy resources or energy conservation or greenhouse gas reduction. The claims presented have nothing to do with contribution of development of renewable energy. There is no relationship between the statement and the claimed subject matter. Claims 1 and 11 read on a heat exchanger plate.

Any reconsideration of this decision should be submitted through the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

The application will be forwarded to the Technology Center Art Unit 3753 for action in its regular turn.

/Henry C. Yuen/

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Henry C. Yuen  
Quality Assurance Specialist  
Technology Center 3700

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
Chi-Chang Chen et al. ) Group Art Unit: 3753  
Application No.: 12/860,421 ) Examiner: Not yet assigned  
Filed: August 20, 2010 ) Confirmation No.: 9992  
For: FLUID FLOW PLATE ASSEMBLY )  
HAVING PARALLEL FLOW )  
CHANNELS )  
)  
)  
)

**Mail Stop Petition**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**REQUEST FOR RECONSIDERATION FOR PETITION TO MAKE SPECIAL UNDER  
THE GREEN TECHNOLOGY PILOT PROGRAM**

Applicants hereby submit this Request for Reconsideration in response to the Decision on Petition dated February 24, 2011 ("Decision"), dismissing the Applicants' Petition to make special under the green technology pilot program ("Petition"). For the reasons discussed below, Applicants believe that the dismissal was in error, submit additional information for reconsideration, and respectfully submit that the Petition should be granted.

In the Decision, the Office asserted that the Petition fails to identify the proper basis for the special status, i.e., the application disclosure is not clear on its face that

the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii). greenhouse gas emission reduction. Further, the Office asserted that if the application is not clear on its face meets the materiality standard stated above, Applicants must provide a statement pertaining to the materiality standard. The Office also asserted that claims 1 and 11 of Applicants' specification read on a hear exchange plate. Applicants respectfully disagree the Decision for the following reasons.

I. **Petition Satisfies Requirements Under Section III of Federal Register Notice**

Applicants assert that the Petition clearly states sufficient basis for seeking special status, because the claimed invention materially contributes to the development of renewable energy resources, and/or more efficient utilization and conservation of energy resources. For example, the application provides the following descriptions:

[0004] As an illustrative example, **one of the many uses for fluid flow plates is fuel cell applications**, in which fluid flow plates may be used to transport, guide, and/or distribute one or more kinds of "fuel", which may be in a liquid or gaseous for, **for generating electric power. . . .**

. . .

[0005] **To facilitate the efficiency or ease of fluid distribution of that of an accompanying components, such as a fuel cell device, it may be desirable to provide a fluid flow plates that may increase the ease of flow movement or distribution, decrease flow resistance, simplify system or component design, or provide different fluid flow characteristics.**

. . .

[0036] Embodiments illustrated above provide fuel cell modules or devices and fluid flow plate assemblies that may be coupled with fuel cell modules or devices. . . . In some embodiments, because

the first and second manifolds are embedded in the fluid flow plate assembly, **flow resistance can be reduced in some instances to prevent uneven reactant fluid flow rates and inconsistent distributed concentrations of the reactant fluid, improving the efficiency of the fuel cell.**

(Applicants' specification, paragraph [0002] - [0036]) (emphasis added)

According to the relevant paragraphs of Applicants' specification reproduced above, one important application of the claimed fluid flow plate assembly is "fuel cell applications...for generating electric power" (Applicants' specification, paragraph [0004]) and that the claimed fluid flow plates are used for fuel cell applications. At the time of application, fuel cell devices are known for generating electric power by consuming clean energy resources such as hydrogen and/or oxygen with no or little pollution. Further, fuel cell devices can operate with improved efficiency with the claimed fluid flow plate assemblies, because they "may increase the ease of flow movement or distribution, decrease flow resistance, simplify system or component design, or provide different fluid flow characteristics." (Id., paragraph [0005]). And, by incorporating the claimed fluid flow plate assembly into the fuel cell device, "the flow resistance can be reduced in some instances to prevent uneven reactance fluid flow rates and inconsistent distributed concentrations of the reactant fluid, **improving the efficiency of the flue cell.**" (Id., paragraph [0034]; emphasis added).

Therefore, the Petition provides sufficient basis for seeking special status because the application, including the claims and the supporting disclosure, identifies an invention materially contributes at least to "the more efficient utilization and conservation of energy resources," as required by Section III (B)(ii) of the Federal Register Notice.



**II. Statement of the Applicants Satisfy Section IV of Federal Register Notice**

Applicants further provide the following supporting materials:

1. "Fuel Cells - Green Power" - a report commissioned by the U.S.

Department of Energy (Exhibit A; available at:

<http://www.lanl.gov/orgs/mpa/mpa11/Green%20Power.pdf> );

2. "Overview of DOE Hydrogen and Fuel Cell Activities" - a material

presented by Dr. Sunita Satyapal, Program Manager of U.S. Department of Energy, Fuel Cell Technology Program (Exhibit B; available at:

[http://www.iphe.net/docs/Events/China\\_9-10/1-](http://www.iphe.net/docs/Events/China_9-10/1-)

[1\\_%20Satyapal%20IPHE\\_ProgramOverview.pdf](http://www.iphe.net/docs/Events/China_9-10/1-1_%20Satyapal%20IPHE_ProgramOverview.pdf) ); and

3. "Hydrogen and Fuel Cells as Strong Partners of Renewable Energy

Systems" - a report commissioned by the European Hydrogen Association (EHA) and the Germany Hydrogen and Fuel Cell Association (DWV) (Exhibit C; available at:

[http://www.lbst.de/publications/studies\\_e/2008/DWV\\_EHA\\_Study\\_EN\\_final\\_260508.pdf](http://www.lbst.de/publications/studies_e/2008/DWV_EHA_Study_EN_final_260508.pdf) ).

All three materials are submitted accompanied with the statement herein.

One important application of the claimed invention is for use in fuel cell devices for generating electric power. As evidenced by the accompanied supporting materials, fuel cell technology is an important renewable energy resource and materially contributes to greenhouse gas reduction, and fluid flow plate assemblies are essential components to fuel cell devices. For example Exhibit A compares fuel cell devices with internal combustion engines and batteries and concludes that "It (i.e., a fuel cell) is two

to three times more efficient than an internal combustion engine in converting fuel to power.” (See, for example, Exhibit A, pages 4-5) In addition, Exhibit A discusses how fuel cell devices using hydrogen as a fuel will materially contribute to global climate change prevention and greenhouse gases reduction. (See, for example, Id., pages 24-31). Moreover, Exhibit A discusses how critical the fluid flow plate assembly is in serving the dual role of gas flow field provider and current collector in the fuel cell devices. (See, for example, Id., pages 12). Similarly, Exhibit B provides figures and data indicating vehicles using fuel cell as energy source “will reduce emissions of greenhouse gases and oil consumption.” (See, for example, Exhibit B, page 5). Exhibit C similarly provides that reduction of greenhouse gas emissions is an important energy policy in Europe and how fuel cells using hydrogen will materially contribute to renewable energy systems. (See, for example, Exhibit C, pages 10-11, 20-25).

Fuel cell devices, when incorporating the fluid flow plate assemblies as disclosed and claimed in the present application, will improve the efficient utilization and conservation of the fuel cell device. Fuel cell device, when incorporating the fluid flow plate assemblies as disclosed and claimed in the present application, will further reduce greenhouse gas emission due to the improvement of the efficient utilization and conservation of the fuel cell device.

Therefore, Applicants’ statements and the accompanied supporting materials provide further and sufficient basis for seeking special status, because the Applicants’ statements explain how the materiality standard is met, as required by Section IV of the Federal Register Notice.

III. **Claims 1 and 11 Read On Fluid Flow Plates for Fuel Cell Applications**

The Decision asserted that claims 1 and 11 read on a “heat exchanger plate,” which was an inaccurate characterization. Specifically, claims 1 and 11 each claimed a fluid flow plate assembly that comprises “a first manifold having a fluid inlet for receiving **an incoming fluid**...; a second manifold having a fluid outlet for discharging a **discharged fluid**, [with] **the discharged fluid comprising at least one portion of the incoming fluid**.” (emphasis added) The Decision, however, incorrectly characterized the invention as heat exchanger plates having a fluid inlet for receiving an incoming fluid and a fluid outlet for discharging a discharged fluid, which are different from the claimed invention of fluid flow plates, which enable the fuels (incoming fluid) supplied to react and generate electricity, and discharges the partially or fully reacted fluid (discharged fluid) after the reaction. See, for example, paragraphs [0025]. Therefore, Applicants disagree with the assertion that claims 1 and 11 read on a heat exchanger plate.

IV. **Conclusion**

For these reasons, Applicants believe that the dismissal of the Petition is in error, and respectfully request that the Petition be granted. If the Office, for any reason, consider this Petition to not be in full compliance with the pertinent statutes and regulations, the Office is invited to call Applicants’ undersigned representative to discuss further.

Applicant does not believe that any fee is required for this submission. However, should any additional fees be required for the consideration or acceptance of this petition, please charge them to Deposit Account No. 06-0916.

**U.S. Patent Application No. 12/860,421**  
**Attorney Docket No. 06720.0315-00**

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: March 22, 2011

By: /s/ Ming-Tao Yang  
Ming-Tao Yang  
Reg. No. 62,019  
Tel: 650.849.6783

PATENT  
Attorney Docket No. 06720.0315-00  
Client No. P55990003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
Chi-Chang Chen et al.	)	Group Art Unit: 3753
Application No.: 12/860,421	)	Examiner: Not yet assigned
Filed: August 20, 2010	)	Confirmation No.: 9992
For: FLUID FLOW PLATE ASSEMBLY	)	
HAVING PARALLEL FLOW	)	
CHANNELS	)	
	)	
	)	

**Mail Stop Petition**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**STATEMENTS OF WEN-CHEN CHANG**

Pursuant to 37 C.F.R. 1.102 and the pilot program as set forth in 74 FR 64666, I, Wen-Chen Chang, a co-inventor of the above-identified patent application, state the following:

I have read the patent application Serial No. 12/860,421 ("the '421 application") and I believe I am a co-inventor of the '421 application.

I understand the subject matter of my invention is related to a fluid flow plate assembly

I understand one most important application of my invention is for use in a fuel cell devices for generating electric power, as I indicated in Paragraph 2 of the '421 application.

I also understand the fuel cell device is an important means of renewable energy resource at the time of my application. My above understanding is based upon at least but not limit to the following the materials:

1. "Fuel Cells - Green Power" - a report commissioned by the U.S. Department of Energy. (Exhibit A)

2. "Overview of DOE Hydrogen and Fuel Cell Activities" - a material presented by Dr. Sunita Satyapal, Program Manager of U.S. Department of Energy, Fuel Cell Technology Program. (Exhibit B)

3. "Hydrogen and Fuel Cells as Strong Partners of Renewable Energy Systems" - a report commissioned by the European Hydrogen Association (EHA) and the Germany Hydrogen and Fuel Cell Association (DWV). (Exhibit C)

All three materials are submitted accompanied with the statement herein.

I understand that Exhibit A compares fuel cell devices with internal combustion engines and batteries and concludes that a fuel cell is two to three times more efficient than an internal combustion engine in converting fuel to power." (See, for example, Exhibit A, pages 4-5).

I also understand Exhibit A discusses how fuel cell devices using hydrogen as a fuel will materially contribute to global climate change prevention and greenhouse gases reduction. (See, for example, id., pages 24-31).

I further understand Exhibit A discusses how critical the fluid flow plate assembly is in serving the dual role of gas flow field provider and current collector in the fuel cell devices. (See, for example, Id., pages 12).

I understand Exhibit B provides figures and data indicating vehicles using fuel cell as energy source "will reduce emissions of greenhouse gases and oil consumption." (See, for example, Exhibit B, page 5).

I also understand Exhibit C provides that reduction of greenhouse gas emissions is an important energy policy in Europe and how fuel cells using hydrogen will materially contribute to renewable energy systems. (See, for example, Exhibit C, pages 10-11, 20-25).

I believe the fuel cell device, when incorporating the fluid flow plate assembly disclosed and claimed in the '421 application, will reduce the flow resistance to prevent uneven reactance fluid flow rates and inconsistent distributed concentrations of the reactant fluid, and thus improving the efficient utilization and conservation of the flue cell device.

I also believe the use of fuel cell device, when incorporating the fluid flow plate assembly disclosed and claimed in the '421 application, will further reduce greenhouse gas emission due to the improvement of the efficient utilization and conservation of the flue cell device.

I hereby declare that all statements made of my own knowledge and belief are true and that all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both,

under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

By: Wen-Chen Chang.  
Wen-Chen Chang

Date: 03/18/2011



PATENT  
Attorney Docket No. 06720.0315-00  
Client No. P55990003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
Chi-Chang Chen et al.	)	Group Art Unit: 3753
Application No.: 12/860,421	)	Examiner: Not yet assigned
Filed: August 20, 2010	)	Confirmation No.: 9992
For: FLUID FLOW PLATE ASSEMBLY	)	
HAVING PARALLEL FLOW	)	
CHANNELS	)	
	)	
	)	

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

STATEMENTS OF HUAN-RUEI SHIU

Pursuant to 37 C.F.R. 1.102 and the pilot program as set forth in 74 FR 64666, I, Huan-Ruei Shiu, a co-inventor of the above-identified patent application, state the following:

I have read the patent application Serial No. 12/860,421 ("the '421 application") and I believe I am a co-inventor of the '421 application.

I understand the subject matter of my invention is related to a fluid flow plate assembly

I understand one most important application of my invention is for use in a fuel cell devices for generating electric power, as I indicated in Paragraph 2 of the '421 application.

I also understand the fuel cell device is an important means of renewable energy resource at the time of my application. My above understanding is based upon at least but not limit to the following the materials:

1. "Fuel Cells - Green Power" - a report commissioned by the U.S. Department of Energy. (Exhibit A)

2. "Overview of DOE Hydrogen and Fuel Cell Activities" - a material presented by Dr. Sunita Satyapal, Program Manager of U.S. Department of Energy, Fuel Cell Technology Program. (Exhibit B)

3. "Hydrogen and Fuel Cells as Strong Partners of Renewable Energy Systems" - a report commissioned by the European Hydrogen Association (EHA) and the Germany Hydrogen and Fuel Cell Association (DWV). (Exhibit C)

All three materials are submitted accompanied with the statement herein.

I understand that Exhibit A compares fuel cell devices with internal combustion engines and batteries and concludes that a fuel cell is two to three times more efficient than an internal combustion engine in converting fuel to power." (See, for example, Exhibit A, pages 4-5).

I also understand Exhibit A discusses how fuel cell devices using hydrogen as a fuel will materially contribute to global climate change prevention and greenhouse gases reduction. (See, for example, Id., pages 24-31).

I further understand Exhibit A discusses how critical the fluid flow plate assembly is in serving the dual role of gas flow field provider and current collector in the fuel cell devices. (See, for example, Id., pages 12).

I understand Exhibit B provides figures and data indicating vehicles using fuel cell as energy source "will reduce emissions of greenhouse gases and oil consumption." (See, for example, Exhibit B, page 5).

I also understand Exhibit C provides that reduction of greenhouse gas emissions is an important energy policy in Europe and how fuel cells using hydrogen will materially contribute to renewable energy systems. (See, for example, Exhibit C, pages 10-11, 20-25).

I believe the fuel cell device, when incorporating the fluid flow plate assembly disclosed and claimed in the '421 application, will reduce the flow resistance to prevent uneven reactance fluid flow rates and inconsistent distributed concentrations of the reactant fluid, and thus improving the efficient utilization and conservation of the fuel cell device.

I also believe the use of fuel cell device, when incorporating the fluid flow plate assembly disclosed and claimed in the '421 application, will further reduce greenhouse gas emission due to the improvement of the efficient utilization and conservation of the fuel cell device.

I hereby declare that all statements made of my own knowledge and belief are true and that all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both,

under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

By: Huan-Ruei Shiu  
Huan-Ruei, Shiu

Date: 03/18/2011

PATENT  
Attorney Docket No. 06720.0315-00  
Client No. P55990003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
Chi-Chang Chen et al.	)	Group Art Unit: 3753
Application No.: 12/860,421	)	Examiner: Not yet assigned
Filed: August 20, 2010	)	Confirmation No.: 9992
For: FLUID FLOW PLATE ASSEMBLY	)	
HAVING PARALLEL FLOW	)	
CHANNELS	)	
	)	
	)	

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

STATEMENTS OF FANGHEI TSAU

Pursuant to 37 C.F.R. 1.102 and the pilot program as set forth in 74 FR 64666, I, Fanghei, Tsau, a co-inventor of the above-identified patent application, state the following:

I have read the patent application Serial No. 12/860,421 ("the '421 application") and I believe I am a co-inventor of the '421 application.

I understand the subject matter of my invention is related to a fluid flow plate assembly

I understand one most important application of my invention is for use in a fuel cell devices for generating electric power, as I indicated in Paragraph 2 of the '421 application.

I also understand the fuel cell device is an important means of renewable energy resource at the time of my application. My above understanding is based upon at least but not limit to the following the materials:

1. "Fuel Cells - Green Power" - a report commissioned by the U.S. Department of Energy. (Exhibit A)

2. "Overview of DOE Hydrogen and Fuel Cell Activities" - a material presented by Dr. Sunita Satyapal, Program Manager of U.S. Department of Energy, Fuel Cell Technology Program. (Exhibit B)

3. "Hydrogen and Fuel Cells as Strong Partners of Renewable Energy Systems" - a report commissioned by the European Hydrogen Association (EHA) and the Germany Hydrogen and Fuel Cell Association (DWV). (Exhibit C)

All three materials are submitted accompanied with the statement herein.

I understand that Exhibit A compares fuel cell devices with internal combustion engines and batteries and concludes that a fuel cell is two to three times more efficient than an internal combustion engine in converting fuel to power." (See, for example, Exhibit A, pages 4-5).

I also understand Exhibit A discusses how fuel cell devices using hydrogen as a fuel will materially contribute to global climate change prevention and greenhouse gases reduction. (See, for example, Id., pages 24-31).

I further understand Exhibit A discusses how critical the fluid flow plate assembly is in serving the dual role of gas flow field provider and current collector in the fuel cell devices. (See, for example, Id., pages 12).

I understand Exhibit B provides figures and data indicating vehicles using fuel cell as energy source "will reduce emissions of greenhouse gases and oil consumption." (See, for example, Exhibit B, page 5).

I also understand Exhibit C provides that reduction of greenhouse gas emissions is an important energy policy in Europe and how fuel cells using hydrogen will materially contribute to renewable energy systems. (See, for example, Exhibit C, pages 10-11, 20-25).

I believe the fuel cell device, when incorporating the fluid flow plate assembly disclosed and claimed in the '421 application, will reduce the flow resistance to prevent uneven reactance fluid flow rates and inconsistent distributed concentrations of the reactant fluid, and thus improving the efficient utilization and conservation of the flue cell device.

I also believe the use of fuel cell device, when incorporating the fluid flow plate assembly disclosed and claimed in the '421 application, will further reduce greenhouse gas emission due to the improvement of the efficient utilization and conservation of the flue cell device.

I hereby declare that all statements made of my own knowledge and belief are true and that all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both,

under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

By:   
Fanghei Tsau

Date: 03/18/2011



PATENT  
Attorney Docket No. 06720.0315-00  
Client No. P55990003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
Chi-Chang Chen et al.	)	Group Art Unit: 3753
Application No.: 12/860,421	)	Examiner: Not yet assigned
Filed: August 20, 2010	)	Confirmation No.: 9992
For: FLUID FLOW PLATE ASSEMBLY	)	
HAVING PARALLEL FLOW	)	
CHANNELS	)	
	)	
	)	

**Mail Stop Petition**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**STATEMENTS OF CHI-CHANG CHEN**

Pursuant to 37 C.F.R. 1.102 and the pilot program as set forth in 74 FR 64666, I, Chi-Chang Chen, a co-inventor of the above-identified patent application, state the following:

I have read the patent application Serial No. 12/860,421 ("the '421 application") and I believe I am a co-inventor of the '421 application.

I understand the subject matter of my invention is related to a fluid flow plate assembly

I understand one most important application of my invention is for use in a fuel cell devices for generating electric power, as I indicated in Paragraph 2 of the '421 application.

I also understand the fuel cell device is an important means of renewable energy resource at the time of my application. My above understanding is based upon at least but not limit to the following the materials:

1. "Fuel Cells - Green Power" - a report commissioned by the U.S. Department of Energy. (Exhibit A)

2. "Overview of DOE Hydrogen and Fuel Cell Activities" - a material presented by Dr. Sunita Satyapal, Program Manager of U.S. Department of Energy, Fuel Cell Technology Program. (Exhibit B)

3. "Hydrogen and Fuel Cells as Strong Partners of Renewable Energy Systems" - a report commissioned by the European Hydrogen Association (EHA) and the Germany Hydrogen and Fuel Cell Association (DWV). (Exhibit C)

All three materials are submitted accompanied with the statement herein.

I understand that Exhibit A compares fuel cell devices with internal combustion engines and batteries and concludes that a fuel cell is two to three times more efficient than an internal combustion engine in converting fuel to power." (See, for example, Exhibit A, pages 4-5).

I also understand Exhibit A discusses how fuel cell devices using hydrogen as a fuel will materially contribute to global climate change prevention and greenhouse gases reduction. (See, for example, Id., pages 24-31).

I further understand Exhibit A discusses how critical the fluid flow plate assembly is in serving the dual role of gas flow field provider and current collector in the fuel cell devices. (See, for example, Id., pages 12).

I understand Exhibit B provides figures and data indicating vehicles using fuel cell as energy source "will reduce emissions of greenhouse gases and oil consumption." (See, for example, Exhibit B, page 5).

I also understand Exhibit C provides that reduction of greenhouse gas emissions is an important energy policy in Europe and how fuel cells using hydrogen will materially contribute to renewable energy systems. (See, for example, Exhibit C, pages 10-11, 20-25).

I believe the fuel cell device, when incorporating the fluid flow plate assembly disclosed and claimed in the '421 application, will reduce the flow resistance to prevent uneven reactance fluid flow rates and inconsistent distributed concentrations of the reactant fluid, and thus improving the efficient utilization and conservation of the flue cell device.

I also believe the use of fuel cell device, when incorporating the fluid flow plate assembly disclosed and claimed in the '421 application, will further reduce greenhouse gas emission due to the improvement of the efficient utilization and conservation of the flue cell device.

I hereby declare that all statements made of my own knowledge and belief are true and that all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both,

under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

By: Chi-Chang CHEN  
Chi-Chang Chen

Date: 03/18/2011



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/860,421	08/20/2010	Chi-Chang Chen	06720.0315-00000	9992
22852 7590 04/14/2011 FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413				
			EXAMINER CHUO, TONY SHENG HSIANG	
			ART UNIT 1729	PAPER NUMBER
			MAIL DATE 04/14/2011	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

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FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER  
LLP  
901 NEW YORK AVENUE, NW  
WASHINGTON DC 20001-4413

In re Application of	:	
CHEN, CHI-CHANG et al	:	DECISION ON PETITION
Application No. 12/860,421	:	TO MAKE SPECIAL UNDER
Filed: Aug. 16, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 06720.0315-00000	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed March 22, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **granted**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the

Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded “special” status.

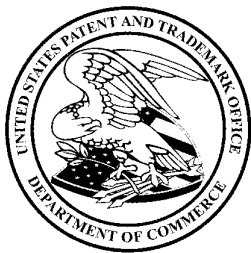
Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

This application will be forwarded to the Technology Center Art Unit 3753 for action on the merits commensurate with this decision.

/Henry C. Yuen/

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Henry C. Yuen  
Quality Assurance Specialist  
Technology Center TC 3700



## UNITED STATES PATENT AND TRADEMARK OFFICE

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Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Decision Date : February 10, 2012

In re Application of :

Olaf Kunzemann

Application No : 12860445

Filed : 20-Aug-2010

Attorney Docket No : 1458-045

DECISION ON REQUEST TO WITHDRAW AS  
ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR§ 1.36(b), filed February 10, 2012

The request is **APPROVED**

The request was signed by Robert J. Jondle (registration no. 33915 ) on behalf of all attorneys/agents associated with Customer Number 32905 . All attorneys/agents associated with Customer Number 32905 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with Customer number 20872 .

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions



<b>Doc Code: PET.AUTO</b> <b>Document Description: Petition automatically granted by EFS-Web</b>		PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	<b>REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS</b>	
Application Number	12860445	
Filing Date	20-Aug-2010	
First Named Inventor	Olaf Kunzemann	
Art Unit	1638	
Examiner Name	CATHY WORLEY	
Attorney Docket Number	1458-045	
Title	Chives Cultivar Biggy	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number:		32905
The reason(s) for this request are those described in 37 CFR: 10.40(b)(4)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to: The address of the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, associated with Customer Number: 20872		
I am authorized to sign on behalf of myself and all withdrawing practitioners.		
Signature	/Robert J. Jondle/	
Name	Robert J. Jondle	
Registration Number	33915	

PATENT  
Customer No. 22,852  
Attorney Docket No. 06720.0316-00000

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:	)	
	)	
Chi-Chang CHEN et al.	)	Group Art Unit: 1729
	)	
Application No.: 12/860,460	)	Examiner: Kyle Liudahl
	)	
Filed: August 20, 2010	)	Confirmation No.: 1068
	)	
For: MODULARIZED FUEL CELL	)	<u>VIA EFS-WEB</u>
DEVICES AND FLUID FLOW		
PLATE ASSEMBLIES		

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**STATEMENT IN SUPPORT OF PETITION TO MAKE SPECIAL  
UNDER THE GREEN TECHNOLOGY PILOT PROGRAM**

Applicants hereby petition to make the above-identified application special under the Green Technology Pilot Program. Applicants assert that this application is eligible for special status under the Green Technology Pilot Program, the requirements for which are set forth in the Federal Register. See Pilot Program for Green Technologies Including Greenhouse Gas Reduction, 74 Fed. Reg. 64,666-69 (December 8, 2009) and 75 Fed. 28554-55 (May 21, 2010) ("the Federal Register Notices"). This application satisfies the requirements of Section I, and the eligibility requirements of Section II or III of the December 8, 2009, Federal Register Notice, as modified or further explained in the May 21, 2010, Federal Register Notice, as set forth below.

I. Requirements Under Section I of the Federal Register Notices

(1) This application is a non-reissue, non-provisional utility application filed under 35 U.S.C. § 111(a). This application has a U.S. filing date after December 8, 2009, but is eligible for participation pursuant to 75 Fed. Reg. 69049-50 (November 10, 2010) which expanded the Pilot Program to include applications filed on or after December 8, 2009.

(2) This application relates to fuel cell devices, which enable efficient generation of energy, thereby facilitating energy conservation. This application is directed to a single invention that materially enhances the quality of the environment or materially contributes to the more efficient utilization and conservation of energy resources. Accordingly, this application is eligible for the Green Technology Pilot Program. Further, the requirement that an application be classified in one of the specific U.S. classifications identified in section VI of the Program Notice has been eliminated by the notice entitled "Elimination of Classification Requirement in the Green Technology Pilot Program," 75 Fed. Reg. 28554-55 (May 21, 2010).

(3) This application currently contains two independent claims, twenty total claims, and no multiple dependent claims.

(4) If the Office determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), Applicants agree to make an election without traverse in a telephonic interview, and to elect an invention that meets the eligibility requirements set forth in the Federal Register Notices.

(5) This Petition is being electronically filed with a Form PTO/SB/420.

(6) To the undersigned's knowledge, this Petition is being filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system.

(7) As stated on the Form PTO/SB/420, Applicants request early publication under 37 C.F.R. § 1.219. The \$300.00 publication fee set forth in 37 C.F.R. § 1.18(d) accompanies this Petition.

## **II. Requirements Under Section III of the Federal Register Notice**

Applicants assert that the basis for the special status is that the invention materially contributes to the development of renewable energy resources, and/or more efficient utilization and conservation of energy resources. The application disclosure is clear on its face that the claimed invention materially contributes to the development of renewable energy resources, and/or more efficient utilization and conservation of energy resources. For example, the application provides the following descriptions:

[0002] This application relates in general to fuel cell devices and fluid flow plate assemblies and in particular to **fuel cell devices and fluid flow plate assemblies that are modularized.**

...

[0003] Fluid flow plates are structures that are designed for fluid-related applications, such as for carrying, delivering, dividing, and/or distributing one or more types of fluids. . . .

...

[0004] As an illustrative example, **one of the many uses for fluid flow plates is fuel cell applications**, in which fluid flow plates may be used to transport, guide, and/or distribute one or more kinds of "fuel", which may be in a liquid or gaseous form, **for generating electric power.** . . .

...

[0023] Embodiments disclosed herein include fuel cell modules that have fluid flow plate assembly having one or more fluid flow channels. **Multiple fuel cell modules may be stacked sequentially to form a fuel cell system or fuel cell battery.** . . .

...

[0038] Embodiments herein provide a planar fuel cell module device and fuel cell module thereof. . . . Since the fuel cell module has relatively small dimensions and is suitable for serial or parallel configuration, **it can be widely applied in electronic apparatuses, vehicles, military equipments, the aerospace industry and so on.**

(Applicants' specification, paragraph [0002]-[0038]) (emphasis added).

### III. Conclusion

This Petition is in full compliance with the pertinent statutes and regulations. If the Office, for any reason, considers this Petition to not be in full compliance with the pertinent statutes and regulations, the Office is invited to call Applicants' undersigned representative to discuss any potential deficiency.

If any additional fee is necessary, please charge the fee to Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: February 14, 2011

By: /Ming-Tao Yang/  
Ming-Tao Yang  
Reg. No. 62,019  
Telephone: 650.849.6783

Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (11-10)

Approved for use through 01/31/2011. OMB 0651-0062

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: 06720.0316-00000	Application Number (if known): 12/860,460	Filing date: August 20, 2010
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First Named Inventor: Chi-Chang CHEN

Title: MODULARIZED FUEL CELL DEVICES AND FLUID FLOW PLATE ASSEMBLIES

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

**Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.**

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: \_\_\_\_\_

Signature /Ming-Tao Yang/	Date February 14, 2011
---------------------------	------------------------

Name Ming-Tao Yang (Print/Typed)	Registration Number 62,019
-------------------------------------	----------------------------

**Note:** Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below\*.

☒ \*Total of 1 forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/860,460	08/20/2010	Chi-Chang CHEN	06720.0316-00000	1068
22852 7590 03/15/2011 FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			EXAMINER LIUDAH, KYLE	
			ART UNIT 1729	PAPER NUMBER
			MAIL DATE 03/15/2011	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

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FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER  
LLP  
901 NEW YORK AVENUE, NW  
WASHINGTON DC 20001-4413

3/15/2011

In re Application of	:	
Chen et al.	:	DECISION ON PETITION
Application No. 12/860,460	:	TO MAKE SPECIAL UNDER
Filed: 8/20/2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 06720.0316-00000	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 2/14/2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a



request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded “special” status.

Telephone inquiries concerning this decision should be directed to Tom Dunn at 571-272-1171.

The application is being forwarded to the Technology Center Art Unit 1729 for action on the merits commensurate with this decision.

/Tom Dunn/

---

Tom Dunn  
Quality Assurance Specialist  
Technology Center 1700



# UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/860,569	08/20/2010	Dheerendra KASHYAP	41863	. 1291
23589	7590	11/29/2010		
Hovey Williams LLP 10801 Mastin Blvd., Suite 1000 Overland Park, KS 66210				
			EXAMINER	
			UNDERWOOD, JARREAS C	
			ART UNIT	PAPER NUMBER
			2877	
			MAIL DATE	DELIVERY MODE
			11/29/2010	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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Hovey Williams LLP  
10801 Mastin Blvd., Suite 1000  
Overland Park KS 66210

In re Application of:

KASHYAP et al.

Serial No.: 12/860,569

Filed: August 20, 2010

Docket Number: 41863

Title: APPARATUS AND METHOD FOR  
DETERMINING ANALYTE  
CONCENTRATIONS

:  
:  
: DECISION ON PETITION TO  
: MAKE SPECIAL FOR NEW  
: APPLICATION UNDER 37  
: C.F.R. § 1.102  
:

This is a decision on the petition filed on August 20, 2010, to make the above-identified application special for accelerated examination procedure in accordance with 37 C.F.R. § 1.102(c)(2).

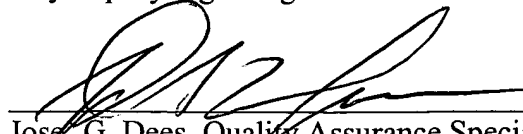
The petition to make the application special is GRANTED.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to M.P.E.P. §708.02(a) and to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

Since the application has been examined and allowed the following procedure applies for Post-Allowance Processing:

To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

Any inquiry regarding this decision should be directed to the undersigned at (571) 272-1569.

  
Jose G. Dees, Quality Assurance Specialist  
Technology Center 2800 - Semiconductors,  
Electrical & Optical Systems & Components

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**PATENT**

Applicants:	DuBose et al.	Docket No.:	49783.0417
Serial No.:	12/860,604	Examiner:	Jared Fureman
Filed:	August 20, 2010	Group Art Unit:	2836
Title:	LOAD CONDITION CONTROLLED POWER STRIP	Confirmation No.	1363

**PETITION TO MAKE SPECIAL UNDER GREEN TECHNOLOGY PROGRAM**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Commissioner:

Applicants hereby petition to make this application special on the grounds that claimed invention relates to the reduction of energy consumption in household appliances. The invention materially contributes to the reduction of energy consumption by reducing the amount of power wasted in standby mode. As noted in the background of the application, on average a notebook power adapter spends 67% of the time in idle mode but still dissipates around 0.5 watts/hour in the idle mode. Over a year, the extended idle time adds up to 3000 watt-hours of wasted energy per power adapter. The present invention reduces energy consumption by reducing the idle mode power consumption to approximately  $1/10^{\text{th}}$  to  $1/1000^{\text{th}}$  or less of active power. No fee is required under 37 CFR 1.102. Furthermore, Applicants authorize the payment of the publication fee set forth in 37 CFR 1.18(d).

The rules governing the Petition to Make Special under the Green Technology Program were amended November 10, 2010 (Federal Register Vol. 75, No. 217, Docket No. PTO-P-2010-0083), and thereby expanded the eligibility for the pilot program to include applications filed on or after December 8, 2009.

Applicant respectfully requests that this petition be granted. The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Deposit Account No. 19-2814.

Respectfully submitted,

Dated: Nov 12, 2010

Adam J. Stegge  
Adam J. Stegge  
Reg. No. 63,297

**SNELL & WILMER L.L.P.**  
One Arizona Center  
400 E. Van Buren  
Phoenix, Arizona 85004-2202  
Phone: (602) 382-6306  
Fax: (602) 382-6070  
Email: [astegge@swlaw.com](mailto:astegge@swlaw.com)



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/860,618	08/20/2010	Richard G. DuBose	49783.0517	1398
20322 7590 11/23/2010 SNELL & WILMER L.L.P. (Main) 400 EAST VAN BUREN ONE ARIZONA CENTER PHOENIX, AZ 85004-2202			EXAMINER	
			ART UNIT	PAPER NUMBER
			2836	
			MAIL DATE	DELIVERY MODE
			11/23/2010	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

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SNELL & WILMER L.L.P. (Main)  
400 EAST VAN BUREN  
ONE ARIZONA CENTER  
PHOENIX AZ 85004-2202

In re Application of	:	
DUBOSE et al.	:	DECISION ON PETITION
Application No. 12/860,618	:	TO MAKE SPECIAL UNDER
Filed: August 20, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 49783.0517	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on November 12, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the

Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The petition lacks items 5 and 8.

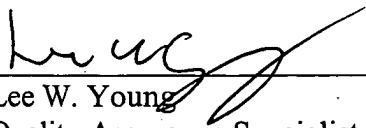
In regard to item 5, the petition failed to include a statement that applicant has agreed to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner.

In regard to item 8, the petition was not accompanied by a request for early publication in compliance with 37 CFR 1.219 and failed to include the publication fee as set forth in 37 CFR 1.18(d).

Any reconsideration of this decision should be submitted through the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

The application is being forwarded to the Technology Center Art Unit 2836 for action in its regular turn.

  
\_\_\_\_\_  
Lee W. Young  
Quality Assurance Specialist  
Technology Center 2800





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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/860,604	08/20/2010	Richard G. DuBose	49783.0417	1363
20322 7590 11/23/2010 SNELL & WILMER L.L.P. (Main) 400 EAST VAN BUREN ONE ARIZONA CENTER PHOENIX, AZ 85004-2202			EXAMINER FUREMAN, JARED	
			ART UNIT 2836	PAPER NUMBER
			MAIL DATE 11/23/2010	DELIVERY MODE PAPER

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SNELL & WILMER L.L.P. (Main)  
400 EAST VAN BUREN  
ONE ARIZONA CENTER  
PHOENIX AZ 85004-2202

In re Application of	:	
DUBOSE et al.	:	DECISION ON PETITION
Application No. 12/860,604	:	TO MAKE SPECIAL UNDER
Filed: August 20, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 49783.0417	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on November 12, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the

Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The petition lacks items 5 and 8.

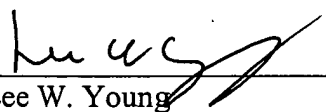
In regard to item 5, the petition failed to include a statement that applicant has agreed to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner.

In regard to item 8, the petition was not accompanied by a request for early publication in compliance with 37 CFR 1.219 and failed to include the publication fee as set forth in 37 CFR 1.18(d).

Any reconsideration of this decision should be submitted through the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

The application is being forwarded to the Technology Center Art Unit 2839 for action in its regular turn.

  
\_\_\_\_\_  
Lee W. Young  
Quality Assurance Specialist  
Technology Center 2800

Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (11-10)

Approved for use through 01/31/2011. OMB 0651-0062

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

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## PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket  
Number: 49783.0417

Application Number  
(if known): 12/860,604

Filing date: August 20, 2010

First Named  
Inventor: DuBose

Title: Load Condition Controlled Power Strip

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

**Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.**

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

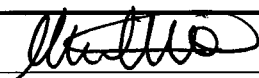
3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: \_\_\_\_\_

Signature



Date December 3, 2010

Name  
(Print/Typed) Mark W. Williams

Registration Number 64,425

**Note:** Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below\*.

☐ \*Total of \_\_\_\_\_ forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: **Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**Instruction Sheet for**  
**Petition to Make Special Under the Green Technology Pilot Program**  
(Not to be Submitted to the USPTO)

**The following is a summary of the requirements (for more information see the notices (i) "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," (ii) "Elimination of Classification Requirement in the Green Technology Pilot Program," and (iii) "Expansion and Extension of the Green Technology Pilot Program," available on the USPTO web site at [http://www.uspto.gov/patents/init\\_events/green\\_tech.jsp](http://www.uspto.gov/patents/init_events/green_tech.jsp)):**

- 1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111 (a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371, irrespective of the filing date of the application. Reexamination proceedings are excluded from this pilot program.
- 2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.
- 3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice (i) cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice (i) cited above.
- 4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.
- 5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.
- 6) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**PATENT**

Applicants:	DuBose et al.	Docket No.:	49783.0417
Serial No.:	12/860,604	Examiner:	Albert William Paladini
Filed:	August 20, 2010	Group Art Unit:	2836
Title:	LOAD CONDITION CONTROLLED POWER STRIP	Confirmation No.	1363

**PETITION FOR RECONSIDERATION TO MAKE SPECIAL UNDER GREEN TECHNOLOGY  
PROGRAM**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Commissioner:

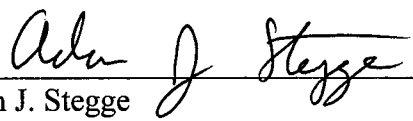
Further to the Petition to Make Special under the Green Technology Pilot Program filed by Applicants on November 12, 2010 and the Decision on Petition mailed November 23, 2010, Applicants hereby request early publication under 37 CFR 1.219 and authorize payment of the publication fee set forth in 37 CFR 1.18(d). Applicant also agrees to make an election without traverse in a telephonic interview if a restriction requirement is made by the Examiner.

Applicants submit that all requirements for a grantable petition to make special as set forth in 37 C.F.R. 1.102 and the pilot program as set forth in 74 Federal Register Notice 64666 dated December 9, 2009 have now been satisfied. Specifically, requirements 5 and 8 noted in the Decision on Petition mailed November 23, 2010 are addressed by the request for early publication and the agreement to not traverse restriction requirements, as made herein.

Applicants therefore respectfully petition for reconsideration of the dismissal of the petition, and request that the petition be granted. The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Deposit Account No. 19-2814.

Respectfully submitted,

Dated: December 3, 2010

  
Adam J. Stegge  
Reg. No. 63,297

**SNELL & WILMER L.L.P.**  
One Arizona Center  
400 E. Van Buren  
Phoenix, Arizona 85004-2202  
Phone: (602) 382-6306  
Fax: (602) 382-6070  
Email: [astegge@swlaw.com](mailto:astegge@swlaw.com)





# UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/860,604	08/20/2010	Richard G. DuBose	49783.0417	1363
20322 7590 12/16/2010 SNELL & WILMER L.L.P. (Main) 400 EAST VAN BUREN ONE ARIZONA CENTER PHOENIX, AZ 85004-2202				
EXAMINER PALADINI, ALBERT WILLIAM				
ART UNIT		PAPER NUMBER		
2836				
MAIL DATE		DELIVERY MODE		
12/16/2010		PAPER		

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SNELL & WILMER L.L.P. (Main)  
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PHOENIX AZ 85004-2202

In re Application of	:	
DUBOSE et al.	:	DECISION ON PETITION
Application No. 12/860,604	:	TO MAKE SPECIAL UNDER
Filed: August 20, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 49783.0417	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on November 12, 2010 and renewed on 03 December 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

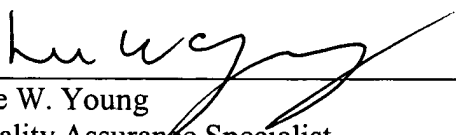
In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Lee W. Young at 571-272-4549.

The application is being forwarded to the Technology Center Art Unit 2858 for action in its regular turn.

  
\_\_\_\_\_  
Lee W. Young  
Quality Assurance Specialist  
Technology Center 2800

**SPE RESPONSE FOR CERTIFICATE OF CORRECTION**

DATE : 7-20-11

Paper No.: \_\_\_\_\_

TO SPE OF : ART UNIT 2836

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/810,604 Patent No.: 7,964,994

CofC mailroom date: 6-28-11

Please respond to this request for a certificate of correction within 7 days.

**FOR IFW FILES:** Check Claims

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

**FOR PAPER FILES:**

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (CofC)**  
**Randolph Square – 9D10-A**  
**Palm Location 7580**

Ennis Young  
 Certificates of Correction Branch  
 703-756-1814 \_\_\_\_\_

**Thank You For Your Assistance**

**The request for issuing the above-identified correction(s) is hereby:**

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

**Comments:** \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

\_\_\_\_\_  
 /Jared Fureman/

\_\_\_\_\_  
 2836

**SPE**

**Art Unit**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**PATENT**

Applicants:	DuBose et al.	Docket No.:	49783.0517
Serial No.:	12/860,618	Examiner:	TBA
Filed:	August 20, 2010	Group Art Unit:	2836
Title:	LOAD CONDITION CONTROLLED POWER MODULE	Confirmation No.	1398

**PETITION TO MAKE SPECIAL UNDER GREEN TECHNOLOGY PROGRAM**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Commissioner:

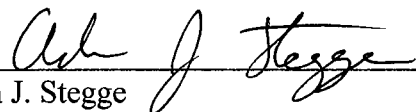
Applicants hereby petition to make this application special on the grounds that claimed invention relates to the reduction of energy consumption in household appliances. The invention materially contributes to the reduction of energy consumption by reducing the amount of power wasted in standby mode. As noted in the background of the application, on average a notebook power adapter spends 67% of the time in idle mode but still dissipates around 0.5 watts/hour in the idle mode. Over a year, the extended idle time adds up to 3000 watt-hours of wasted energy per power adapter. The present invention reduces energy consumption by reducing the idle mode power consumption to approximately  $1/10^{\text{th}}$  to  $1/1000^{\text{th}}$  or less of active power. No fee is required under 37 CFR 1.102. Furthermore, Applicants authorize the payment of the publication fee set forth in 37 CFR 1.18(d).

The rules governing the Petition to Make Special under the Green Technology Program were amended November 10, 2010 (Federal Register Vol. 75, No. 217, Docket No. PTO-P-2010-0083), and thereby expanded the eligibility for the pilot program to include applications filed on or after December 8, 2009.

Applicant respectfully requests that this petition be granted. The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Deposit Account No. 19-2814.

Respectfully submitted,

Dated: Nov 12, 2010

  
Adam J. Stegge  
Reg. No. 63,297

**SNELL & WILMER L.L.P.**  
One Arizona Center  
400 E. Van Buren  
Phoenix, Arizona 85004-2202  
Phone: (602) 382-6306  
Fax: (602) 382-6070  
Email: [astegge@swlaw.com](mailto:astegge@swlaw.com)

Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (11-10)

Approved for use through 01/31/2011. OMB 0651-0062

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket  
Number: 49783.0517

Application Number  
(if known): 12/860,618

Filing date: August 20, 2010

First Named  
Inventor: DuBose

Title: Load Condition Controlled Power Module

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

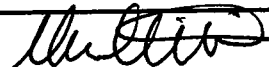
This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

**Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.**

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.
3. This request is accompanied by statements of special status for the eligibility requirement.
4. The application contains no more than three (3) independent claims and twenty (20) total claims.
5. The application does not contain any multiple dependent claims.
6. Other attachments: \_\_\_\_\_

Signature



Date December 3, 2010

Name Mark W. Williams  
(Print/Typed)

Registration Number 64,425

**Note:** Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below\*.



\*Total of \_\_\_\_\_ forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: **Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**Instruction Sheet for**  
**Petition to Make Special Under the Green Technology Pilot Program**  
(Not to be Submitted to the USPTO)

**The following is a summary of the requirements (for more information see the notices (i) "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," (ii) "Elimination of Classification Requirement in the Green Technology Pilot Program," and (iii) "Expansion and Extension of the Green Technology Pilot Program," available on the USPTO web site at [http://www.uspto.gov/patents/init\\_events/green\\_tech.jsp](http://www.uspto.gov/patents/init_events/green_tech.jsp)):**

- 1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111 (a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371, irrespective of the filing date of the application. Reexamination proceedings are excluded from this pilot program.
- 2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.
- 3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice (i) cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice (i) cited above.
- 4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.
- 5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.
- 6) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).



## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**PATENT**

Applicants:	DuBose et al.	Docket No.:	49783.0517
Serial No.:	12/860,618	Examiner:	TBA
Filed:	August 20, 2010	Group Art Unit:	2836
Title:	LOAD CONDITION CONTROLLED POWER MODULE	Confirmation No.	1398

**PETITION FOR RECONSIDERATION TO MAKE SPECIAL UNDER GREEN TECHNOLOGY  
PROGRAM**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Commissioner:

Further to the Petition to Make Special under the Green Technology Pilot Program filed by Applicants on November 12, 2010 and the Decision on Petition mailed November 23, 2010, Applicants hereby request early publication under 37 CFR 1.219 and authorize payment of the publication fee set forth in 37 CFR 1.18(d). Applicants also agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the Examiner.

Applicants submit that all requirements for a grantable petition to make special as set forth in 37 C.F.R. 1.102 and the pilot program as set forth in 74 Federal Register Notice 64666 dated December 9, 2009 have now been satisfied. Specifically, requirements 5 and 8 noted in the Decision on Petition mailed November 23, 2010 are addressed by the request for early publication and the agreement to not traverse restriction requirements, as made herein.

Applicants therefore respectfully petition for reconsideration of the dismissal of the petition, and request that the petition be granted. The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Deposit Account No. 19-2814.

Respectfully submitted,

Dated: December 3, 2010

Adam J. Stegge  
Adam J. Stegge  
Reg. No. 63,297

**SNELL & WILMER L.L.P.**  
One Arizona Center  
400 E. Van Buren  
Phoenix, Arizona 85004-2202  
Phone: (602) 382-6306  
Fax: (602) 382-6070  
Email: [astegge@swlaw.com](mailto:astegge@swlaw.com)



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/860,618	08/20/2010	Richard G. DuBose	49783.0517	1398

20322	7590	12/16/2010
SNELL & WILMER L.L.P. (Main)		
400 EAST VAN BUREN		
ONE ARIZONA CENTER		
PHOENIX, AZ 85004-2202		

EXAMINER	
----------	--

ART UNIT	PAPER NUMBER
2836	

MAIL DATE	DELIVERY MODE
12/16/2010	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

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SNELL & WILMER L.L.P. (Main)  
400 EAST VAN BUREN  
ONE ARIZONA CENTER  
PHOENIX AZ 85004-2202

In re Application of	:	
DUBOSE et al.	:	DECISION ON PETITION
Application No. 12/860,618	:	TO MAKE SPECIAL UNDER
Filed: August 20, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 49783.0517	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on November 12, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

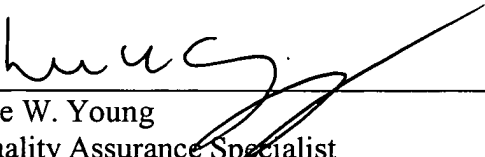
In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

The application is being forwarded to the Technology Center Art Unit 2836 for action in its regular turn.

  
\_\_\_\_\_  
Lee W. Young  
Quality Assurance Specialist  
Technology Center 2800



# UNITED STATES PATENT AND TRADEMARK OFFICE

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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/860,626	08/20/2010	Kenji KOMORI	TOSH/0145	1411
26290 7590 11/23/2011 PATTERSON & SHERIDAN, L.L.P. 3040 POST OAK BOULEVARD SUITE 1500 HOUSTON, TX 77056			EXAMINER KOENIG, ANDREW Y	
			ART UNIT 2423	PAPER NUMBER
			MAIL DATE 11/23/2011	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Patterson & Sheridan LLP.  
3040 Post Oak Boulevard  
Suite 1500  
Houston TX 77056

In re Application of: Komori  
Application No. 12860626  
Filed: August 20, 2010  
For: Communication Apparatus

DECISION ON REQUEST TO  
PARTICIPATE IN PATENT  
PROSECUTION HIGHWAY  
PROGRAM AND PETITION TO  
MAKE SPECIAL UNDER 37 CFR  
1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed November 11, 2011, to make the above-identified application special.

The petition is **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

1. The U.S. application for which participation in the PPH program is requested and the corresponding JPO application must have the same priority/filing date;
2. Applicant must submit a copy of:
  - a. The allowable/patentable claim(s) from the JPO application(s);
  - b. An English translation of the allowable/patentable claim(s); and
  - c. A statement that the English translation is accurate;
3. Applicant must
  - a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to one or more of those claims indicated as allowable/patentable claim(s) in the JPO application(s);
  - b. Note that claims are considered to "sufficiently correspond" where, accounting for differences due to translations and claim format, the claims in the USPTO are of the same or similar scope as the claims in the JPO, or the claims in the USPTO are narrower in scope than the claims in the JPO. In this regard, a claim that is narrower in scope occurs when a JPO claim is amended to be further limited by an additional feature that is supported in the specification (description and/or claims). A claim in the USPTO which introduces a new/different category of claims to those claims indicated as allowable in the JPO is not considered to sufficiently correspond. For example, if the JPO claims only contain claims to a process of manufacturing a product, then the claims in the USPTO are not considered to sufficiently correspond if the



- USPTO claims introduce product claims that are dependent on the corresponding process claims; and
- c. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
- a. Documentation of prior office action:
    - i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
    - ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
    - iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
  - b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
  - c. A statement that the English translation is accurate (if the translation is not a machine translation provided by the JPO);
6. Applicant must submit:
- a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
  - b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH program and petition are found to comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Tod Swann at 571-272-3612.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Tod Swann/  
Tod Swann  
Quality Assurance Specialist  
Technology Center 2400



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

**MUNCY, GEISSLER, OLDS & LOWE, PLLC**  
**4000 LEGATO ROAD**  
**SUITE 310**  
**FAIRFAX VA 22033**

**MAILED**

**OCT 12 2010**

**OFFICE OF PETITIONS**

In re Application of :  
Shih-Chia LAI , et al. :  
Application No. 12/860,631 : **NOTICE**  
Filed: August 20, 2010 :  
Attorney Docket No. 5640/0139PUS2 :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989).** Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **NOT ACCEPTED.**

The fee deficiency cannot be accepted because no itemization has been submitted, as required by 37 CFR 1.28(C) (ii) which states:

(2) Payment of deficiency owed. The deficiency owed, resulting from the previous erroneous payment of small entity fees, must be paid.

(ii) *Itemization of the deficiency payment.* An itemization of the total deficiency payment is required. The itemization must include the following information:

(A) Each particular type of fee that was erroneously paid as a small entity, (e.g., basic statutory filing fee, two-month extension of time fee) along with the current fee amount for non-small entity;

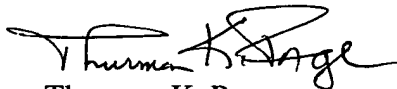
(B) The small entity fee actually paid, and when. This will permit the Office to differentiate, for example, between two one-month extension of time fees erroneously paid as a small entity but on different dates;

(C) The deficiency owed amount (for each fee erroneously paid); and

(D) The total deficiency payment owed, which is the sum or total of the individual deficiency owed amounts set forth in paragraph (c)(2)(ii)(C) of this section.

The fee itemization submitted August 27, 2010, is acknowledged, however, further itemization is required to include the basic, search and examination fees.

Inquiries related to this communication should be directed to Diane C. Goodwyn at (571) 272-6735.

A handwritten signature in black ink, appearing to read "Thurman K. Page". The signature is fluid and cursive, with the first name "Thurman" and last name "Page" clearly distinguishable.

Thurman K. Page  
Petitions Examiner  
Office of Petitions

Cc: JOE MCKINNEY MUNCY  
MUNCY, GEISSLER, OLDS  
LOWE, PLLC  
PO BOX 1364  
FAIRFAX, VA 22038-1364



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**MUNCY, GEISSLER, OLDS & LOWE, PLLC**  
**4000 LEGATO ROAD**  
**SUITE 310**  
**FAIRFAX VA 22033**

**MAILED**

**JAN 03 2011**

**OFFICE OF PETITIONS**

**NOTICE**

In re Application of :  
Shih-Chia LAI, et al :  
Application No. 12/860,631 :  
Filed: August 20, 2010 :  
Attorney Docket No. 5640/0139PUS2 :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Inquiries related to this communication should be directed to Diane Goodwyn at (571) 272-6735.

Thurman K. Page  
Petitions Examiner  
Office of Petitions

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**PATENT**

Applicants:	DuBose et al.	Docket No.:	49783.0617
Serial No.:	12/860,636	Examiner:	Albert William Paladini
Filed:	August 20, 2010	Group Art Unit:	2836
Title:	LOAD CONDITION CONTROLLED WALL PLATE OUTLET SYSTEM	Confirmation No.	1431

**PETITION TO MAKE SPECIAL UNDER GREEN TECHNOLOGY PROGRAM**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Commissioner:

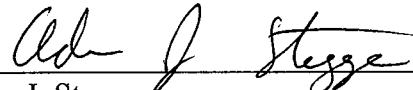
Applicants hereby petition to make this application special on the grounds that claimed invention relates to the reduction of energy consumption in household appliances. The invention materially contributes to the reduction of energy consumption by reducing the amount of power wasted in standby mode. As noted in the background of the application, on average a notebook power adapter spends 67% of the time in idle mode but still dissipates around 0.5 watts/hour in the idle mode. Over a year, the extended idle time adds up to 3000 watt-hours of wasted energy per power adapter. The present invention reduces energy consumption by reducing the idle mode power consumption to approximately 1/10<sup>th</sup> to 1/1000<sup>th</sup> or less of active power. No fee is required under 37 CFR 1.102. Furthermore, Applicants authorize the payment of the publication fee set forth in 37 CFR 1.18(d).

The rules governing the Petition to Make Special under the Green Technology Program were amended November 10, 2010 (Federal Register Vol. 75, No. 217, Docket No. PTO-P-2010-0083), and thereby expanded the eligibility for the pilot program to include applications filed on or after December 8, 2009.

Applicants respectfully request that this petition be granted. The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Deposit Account No. 19-2814.

Respectfully submitted,

Dated: Nov 12, 2010

  
\_\_\_\_\_  
Adam J. Stegge  
Reg. No. 63,297

**SNELL & WILMER L.L.P.**  
One Arizona Center  
400 E. Van Buren  
Phoenix, Arizona 85004-2202  
Phone: (602) 382-6306  
Fax: (602) 382-6070  
Email: [astegge@swlaw.com](mailto:astegge@swlaw.com)



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/860,636	08/20/2010	Richard G. DuBose	49783.0617	1431
20322 7590 11/23/2010 SNELL & WILMER L.L.P. (Main) 400 EAST VAN BUREN ONE ARIZONA CENTER PHOENIX, AZ 85004-2202			EXAMINER PALADINI, ALBERT WILLIAM	
			ART UNIT 2836	PAPER NUMBER
			MAIL DATE 11/23/2010	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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SNELL & WILMER L.L.P. (Main)  
400 EAST VAN BUREN  
ONE ARIZONA CENTER  
PHOENIX AZ 85004-2202

In re Application of	:	
DUBOSE et al.	:	DECISION ON PETITION
Application No. 12/860,636	:	TO MAKE SPECIAL UNDER
Filed: August 20, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 49783.0617	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on November 12, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the



Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The petition lacks items 5 and 8.

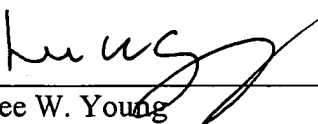
In regard to item 5, the petition failed to include a statement that applicant has agreed to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner.

In regard to item 8, the petition was not accompanied by a request for early publication in compliance with 37 CFR 1.219 and failed to include the publication fee as set forth in 37 CFR 1.18(d).

Any reconsideration of this decision should be submitted through the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

The application is being forwarded to the Technology Center Art Unit 2836 for action in its regular turn.

  
\_\_\_\_\_  
Lee W. Young  
Quality Assurance Specialist  
Technology Center 2800

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**PATENT**

Applicants:	DuBose et al.	Docket No.:	49783.0617
Serial No.:	12/860,636	Examiner:	Albert William Paladini
Filed:	August 20, 2010	Group Art Unit:	2836
Title:	LOAD CONDITION CONTROLLED WALL PLATE OUTLET SYSTEM	Confirmation No.	1431

**PETITION FOR RECONSIDERATION TO MAKE SPECIAL UNDER GREEN TECHNOLOGY  
PROGRAM**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Commissioner:

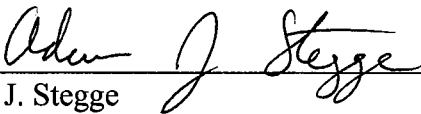
Further to the Petition to Make Special under the Green Technology Pilot Program filed by Applicants on November 12, 2010 and the Decision on Petition mailed November 23, 2010, Applicants hereby request early publication under 37 CFR 1.219 and authorize payment of the publication fee set forth in 37 CFR 1.18(d). Applicants also agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the Examiner.

Applicants submit that all requirements for a grantable petition to make special as set forth in 37 C.F.R. 1.102 and the pilot program as set forth in 74 Federal Register Notice 64666 dated December 9, 2009 have now been satisfied. Specifically, requirements 5 and 8 noted in the Decision on Petition mailed November 23, 2010 are addressed by the request for early publication and the agreement to not traverse restriction requirements, as made herein.

Applicants therefore respectfully petition for reconsideration of the dismissal of the petition, and request that the petition be granted. The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Deposit Account No. 19-2814.

Respectfully submitted,

Dated: December 3, 2010

  
Adam J. Stegge  
Reg. No. 63,297

**SNELL & WILMER L.L.P.**  
One Arizona Center  
400 E. Van Buren  
Phoenix, Arizona 85004-2202  
Phone: (602) 382-6306  
Fax: (602) 382-6070  
Email: [astegge@swlaw.com](mailto:astegge@swlaw.com)

Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (11-10)

Approved for use through 01/31/2011. OMB 0651-0062

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

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## PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket  
Number: 49783.0617

Application Number  
(if known): 12/860,636

Filing date: August 20, 2010

First Named  
Inventor: DuBose

Title: Load Condition Controlled Wall Plate Outlet System

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

**Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.**

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

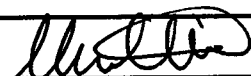
3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: \_\_\_\_\_

Signature



Date December 3, 2010

Name  
(Print/Typed) Mark W. Williams

Registration Number 64,425

**Note:** Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below\*.



\*Total of \_\_\_\_\_ forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: **Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**Instruction Sheet for**  
**Petition to Make Special Under the Green Technology Pilot Program**  
(Not to be Submitted to the USPTO)

**The following is a summary of the requirements (for more information see the notices (i) "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," (ii) "Elimination of Classification Requirement in the Green Technology Pilot Program," and (iii) "Expansion and Extension of the Green Technology Pilot Program," available on the USPTO web site at [http://www.uspto.gov/patents/init\\_events/green\\_tech.jsp](http://www.uspto.gov/patents/init_events/green_tech.jsp)):**

- 1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111 (a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371, irrespective of the filing date of the application. Reexamination proceedings are excluded from this pilot program.
- 2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.
- 3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice (i) cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice (i) cited above.
- 4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.
- 5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.
- 6) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/860,636	08/20/2010	Richard G. DuBose	49783.0617	1431
20322 7590 12/16/2010 SNELL & WILMER L.L.P. (Main) 400 EAST VAN BUREN ONE ARIZONA CENTER PHOENIX, AZ 85004-2202				
			EXAMINER PALADINI, ALBERT WILLIAM	
			ART UNIT 2836	PAPER NUMBER
			MAIL DATE 12/16/2010	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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SNELL & WILMER L.L.P. (Main)  
400 EAST VAN BUREN  
ONE ARIZONA CENTER  
PHOENIX AZ 85004-2202

In re Application of	:	
DUBOSE et al.	:	DECISION ON PETITION
Application No. 12/860,636	:	TO MAKE SPECIAL UNDER
Filed: August 20, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 49783.0617	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on November 12, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).



The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

The application is being forwarded to the Technology Center Art Unit 2836 for action in its regular turn.

---

Lee W. Young  
Quality Assurance Specialist  
Technology Center 2800



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United States Patent and Trademark Office  
P.O. Box 1450  
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www.uspto.gov

HOVEY WILLIAMS LLP  
10801 MASTIN BLVD., SUITE 1000  
OVERLAND PARK KS 66210

**MAILED**

**SEP 08 2010**

**OFFICE OF PETITIONS**

In re Application of	:	
Donald D. SLOAN	:	
Application No. 12/860,640	:	DECISION ON PETITION
Filed: August 20, 2010	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 41881	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 20, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a copy of applicant's birth certificate. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

All other inquiries should be directed to the Office of Data Management at (571) 272-4000.

This application is being referred back to the Office of Data Management for processing. This application will be accorded "special" status when pre-examination processing is done.

/dcg/  
Diane C. Goodwyn  
Petitions Examiner  
Office of Petitions

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY – PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO			
Application No.:	12860648	First Named Inventor:	Peter M. Kelly
Filing Date:	August 20, 2010	Attorney Docket No.:	3510-P10915US
Title of the Invention:	AUDIO EAR BUD HEADPHONE WITH EXTENDED CURVATURE		
THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT <a href="http://www.uspto.gov/ebs/efs_help.html">HTTP://WWW.USPTO.GOV/EBS/DFS_HELP.HTML</a> .			
APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PILOT PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PILOT PROGRAM.			
<p>The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.</p> <p>The corresponding PCT application number(s) is/are: <u>PCT/US2011/048526</u></p> <p>The international filing date of the corresponding PCT application(s) is/are: <u>August 20, 2011</u></p>			
<p><b>I. List of Required Documents:</b></p> <p>a. A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)</p> <p><input type="checkbox"/> is attached.</p> <p><input checked="" type="checkbox"/> is <u>not</u> attached because the document is already in the U.S. application.</p> <p>b. A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s)</p> <p><input checked="" type="checkbox"/> is attached.</p> <p><input type="checkbox"/> is <u>not</u> attached because the document is already in the U.S. application.</p> <p>c. English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.</p> <p>d. (1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.</p> <p><input type="checkbox"/> is attached.</p> <p><input checked="" type="checkbox"/> has already been filed in the above-identified U.S. application on <u>March 20, 2012</u></p> <p>(2) Copies of all documents (except for U.S. patents or U.S. patent application publications)</p> <p><input type="checkbox"/> are attached.</p> <p><input checked="" type="checkbox"/> have already been filed in the above-identified U.S. application on <u>March 20, 2012</u></p>			

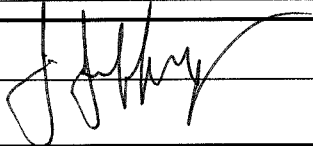
**REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM**  
**BETWEEN THE KIPO AND THE USPTO**  
 (continued)

Application No.:	12860648	First Named Inventor:	Peter M. Kelly
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**II. Claims Correspondence Table:**

Claims in US Application	Patentable Claims in the corresponding PCT application	Explanation regarding the correspondence
1	1	
2	2	
3	3	
4	4	
5	5	
6	6	
7	7	
8	8	
9	9	Dependency amended in US to depend from claim 8 instead of from claim 7
10	10	
11	11	
12	12	
13	13	
14	14	
15	15	
16	16	
17	17	
18	18	
19	19	
20	20	
21-25	1	Claims 21-25 depend directly or indirectly from claim 1

**III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.**

Signature	/J. Jeffrey Gunn/ 	Date	03/23/2012
Name (Print/Typed)	J. Jeffrey Gunn	Registration Number	56,957

implementations can have more, fewer, or different components depending on the particular implementation of the ear bud headphone 100. Example implementations of the present invention can therefore include ear bud headphones that provide a comfortable and secure fit within a user's ear. Thus, implementations of the present invention allow a user to enjoy the  
5 portability and size of the ear bud headphone, while enjoying a comfortable fit that does not easily fall out of the user's ear. Moreover, implementations of the present invention provide for a customizable ear bud headphone in which a user can customize one or more components of the ear bud headphone to tailor the fit, look and/or acoustics of the ear bud headphone 100.

10 The present invention thus can be embodied in other specific forms without departing from its spirit or essential characteristics. The described embodiments are to be considered in all respects only as illustrative and not restrictive. The scope of the invention is, therefore, indicated by the appended claims rather than by the foregoing description. All changes that come within the meaning and range of equivalency of the claims are to be embraced within  
15 their scope.

## CLAIMS

1. An ear bud headphone configured to provide a user with a comfortable and secure fit such that the ear bud does not easily fall out of the user's ear while in use, comprising:
  - a speaker assembly capable of converting an audio signal into a sound wave  
20 audible to the human ear;
  - a main body portion made from a separate component from the speaker assembly and wherein the main body portion at least partially encloses the speaker assembly; and

an extension extending out from the main body portion and away from the speaker assembly, wherein the user can position at least a portion of the user's ear in a gap formed between the extension and the speaker assembly.

2. The ear bud headphone as recited in claim 1, wherein the speaker assembly further comprises a speaker housing that extends into the gap between the extension and the speaker assembly.

3. The ear bud headphone as recited in claim 2, wherein the speaker housing is made from an elastic material.

4. The ear bud headphone as recited in claim 3, wherein the extension is made from a bendable material, such that the user can adjust the width of the gap between the extension and the speaker assembly.

5. The ear bud headphone as recited in claim 4, comprising:  
a front retainer; and  
a back retainer that is formed on the main body portion, wherein the speaker assembly is secured between the front retainer and the back retainer.

6. The ear bud headphone as recited in claim 5, wherein the front retainer and the back retainer are removably coupled together.

7. The ear bud headphone as recited in claim 6, wherein the ear bud headphone is configured to be interchangeable, such that the user can uncouple the front retainer from the back retainer and exchange one or more of the following components to customize the size, fit, and aesthetic of the ear bud headphone:

the speaker assembly;

the speaker housing; and/or

the main body portion.

8. The ear bud headphone as recited in claim 7, further comprising an in-ear protrusion that is secured between the front retainer and the back retainer and extends at least partially into the user's ear.

9. The ear bud headphone as recited in claim 7, wherein the in-ear protrusion is rotatable  
5 with respect to the front retainer and the back retainer to allow the user to adjust the angle at which the in-ear protrusion extends into the user's ear.

10. A personal audio speaker system for use with a portable media playing device, comprising:

at least one wire that communicably connects to a portable media playing  
10 device; and

a set of one or more ear bud headphones coupled to the wire and configured to securely fit within a user's ear such that the ear bud headphones securely remain within the user's ear during use, each of the one or more ear bud headphones comprising:

15 a speaker assembly communicably connected to the wire;

a speaker housing attached to the speaker assembly and at least partially covering a back portion of the speaker assembly;

a main body portion that at least partially encloses the speaker assembly and speaker housing; and

20 an extension extending out from the main body portion and away from the speaker housing such that a gap is formed between the extension and the speaker housing.

11. The personal audio speaker system of claim 10, wherein the speaker housing is made from an elastic material such that the speaker housing can hold a portion of the user's ear in compression between the speaker housing and the extension.

12. The personal audio speaker system of claim 11, wherein the extension is made from a bendable material that a user can displace to adjust the width of the gap between the speaker housing and the extension.

13. The personal audio speaker system of claim 12, further comprising a front retainer that cooperates with the main body portion to hold the speaker assembly and speaker housing in place within the main body portion.

14. The personal audio speaker system of claim 13, wherein the front retainer is removably coupled to the main body portion, such that a user can remove the front retainer and exchange one or more of the following components to customize the size, fit, and aesthetic of the personal audio speaker system:

the speaker assembly;  
the speaker housing; and/or  
the body portion.

15. A interchangeable ear bud headphone kit for use with a portable media playing device, the interchangeable ear bud headphone kit providing a user the ability to customize the size, configuration, fit, and style of ear bud headphones, the interchangeable ear bud headphone kit comprising:

an ear bud headphone, comprising:  
a main body portion having a retainer portion and an extension extending away from the retainer portion such that a gap is formed between the retainer portion and the extension; and



a retainer ring that is removably connected to the retainer portion of the main body portion; and

one or more interchangeable components, wherein the retainer ring is operatively associated with the retainer portion to secure the interchangeable components to the main body portion as desired by the user.

16. The interchangeable ear bud headphone kit in claim 15, wherein the interchangeable components comprise one or more speaker assemblies of varying sizes, configurations, and/or acoustic properties.

17. The interchangeable ear bud headphone kit in claim 16, wherein:

the interchangeable components comprise one or more speaker housings of varying sizes, or configurations; and

each of the one or more the speaker housings is configured to couple to a rear portion of the corresponding one or more speaker assemblies.

18. The interchangeable ear bud headphone kit in claim 17, wherein:

the speaker housing extends through the retainer portion of the main body portion and into the gap created between the extension and the retainer portion; and

the size of the speaker housing can vary the width of the gap between the extension and the speaker housing such that a user can customize the fit of the ear bud headphone.

19. The interchangeable ear bud headphone kit in claim 18, wherein:

the retainer ring comprises one or more tabs; and

the retainer portion comprises slots that correspond to the one or more tabs on the retainer ring, such that the retainer ring and retainer portion are removably connected together when the tabs engage the corresponding slots.

20. The interchangeable ear bud headphone kit of claim 19, wherein the speaker assembly is removably coupled to a wire that communicates an audio signal to the speaker assembly.

#### ABSTRACT OF THE DISCLOSURE

5 Ear bud headphones configured for use with a portable media player include a main body portion with an extended curvature configuration. In one example implementation, the ear bud headphones include a speaker housing and an extension that form a gap between the speaker housing and the extension. A user can secure a portion of the user's outer ear in the gap (i.e., between the extension and speaker housing) such that the ear bud is securely and  
10 comfortably held in place within a user's ear. Additionally, the ear bud headphones can be interchangeable such that a user can customize the size, fit, and style of the ear bud headphone.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: Confirmation No.: Unassigned

Rene CARLOS Art Unit: Unassigned

Application No.: Unassigned Examiner: Unassigned

Filed: August 20, 2010 Attorney Dkt. No.: 1604.0005

For: A METHOD, SYSTEM AND APPARATUS FOR PROVIDING WATER TO A  
HEAT ENGINE VIA A DAMMED WATER SOURCE

**PETITION UNDER 37 C.F.R. § 1.102(c)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

August 20, 2010

Sir:

This is a Petition requesting that the United States Patent and Trademark Office (USPTO) accord “special” status to the above-referenced application, entitled “A Method, System and Apparatus for Providing Water to a Heat Engine via a Dammed Water Source”. Applicant respectfully submits that practical applications of many embodiments disclosed in this application have the potential to enhance the quality of the environment and to contribute to the development and conservation of energy resources in accordance with the USPTO’s Pilot Program for Green Technologies Including Greenhouse Gas Reduction as announced in the Federal Register, 37 C.F.R § 1.102(c) and MPEP §§ 708.02(V) and (VI). 37 C.F.R. § 1.102(c) states that a petition to make special may be filed without fee where the invention will materially “[e]nhance the

quality of the environment” or “[c]ontribute to the development or contribution of energy resources”. Applicant respectfully submits that many embodiments of the present invention facilitate both of these aims.

Some embodiments of the present invention are able to take advantage of a dammed water supply to provide water for various uses in a heat engine (see paragraph [0026]. Use of dammed water has various environmental benefits over conventional heat engines. For example, by using dammed water, municipal water is conserved (see paragraph [0028]). Also, by not using the municipal water, water that would have been used for cooling a heat engine is freed up for other purposes, particularly where water is not in abundant supply (see *Id.*). Further, steam generated at various places in embodiments of the present invention may be used to do work, such as powering a steam-driven generator or powering one or more stages of a compressor, which reduces the fuel required to operate the heat engine (see *Id.*). Additionally, some embodiments of the present invention may spray mist into heat engine exhaust to reduce noise pollution (see *Id.*). Also, some embodiments may use the water for cooling the heat engine to increase power output by increasing the temperature at which the heat engine can run, and/or increasing air mass by injecting water and thus increasing power output.

Embodiments of the present invention are further able to boost energy output of the heat engine. Cooling the heat engine allows higher temperatures in the heat engine, which boosts power output (see, for example, paragraph [0044]). Further, spraying water

into the airflow of the heat engine adds mass that increases the power output of the heat engine (see paragraphs [0024], [0034] and [0071]).

Thus, many embodiments of the present invention are able to reduce water consumption, noise pollution, and exhaust pollution produced by heat engines. Further, many embodiments are able to boost the power output of the heat engine. Hence, many embodiments of the present invention are able to provide a cleaner energy solution, as well as a valuable addition to power generation technology.

Per the above, many embodiments of the present invention both enhance the quality of the environment and contribute to the development or contribution of energy resources. Accordingly, Applicant respectfully requests that the present application be made special under 37 C.F.R. § 1.102(c).

Respectfully submitted,

/Michael A. Leonard II/  
Michael A. Leonard II  
Attorney for Applicant  
Registration No. 60,180

**Leonard, Patel & Olson, P.C.**  
1875 I Street, N.W.  
5<sup>th</sup> Floor  
Washington, DC 20006  
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Fax: 202-429-9574



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United States Patent and Trademark Office  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/860,652		Rene Carlos	1604.0005	1471
94165	7590	08/25/2010	EXAMINER	
Leonard Patel & Olson PC 19800 MacArthur Blvd. Suite 300 Irvine, CA 92612			ART UNIT	PAPER NUMBER
			3748	
			NOTIFICATION DATE	DELIVERY MODE
			08/25/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

spatel@lpolaw.com  
mleonard@lpolaw.com  
jolson@lpolaw.com



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Leonard Patel & Olson PC  
19800 MacArthur Blvd.  
Suite 300  
Irvine CA 92612

AUG 25 2010

In re Application of	:	
Rene Carlos	:	DECISION ON PETITION
Application No. 12/860,652	:	TO MAKE SPECIAL UNDER
Filed: August 20, 2010	:	THE GREEN TECHNOLOGY
Attorney ref no.: 1604.0005	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed August 20, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010).

The petition is **DENIED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009 (see *Requirements* (1) on page 64667 (left column) of the December 8, 2009 Fed. Reg. Notice).

The present application is a nonprovisional application filed under 35 USC 111(a) filed after December 8, 2009. Accordingly, this application is not eligible in the Green Technology Pilot Program.

Telephone inquiries concerning this decision should be directed to Blaine Copenheaver at 571-272-1156.

/Blaine Copenheaver/

---

Blaine Copenheaver  
Quality Assurance Specialist  
Technology Center 1700



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**BUCHANAN, INGERSOLL & ROONEY  
PC  
POST OFFICE BOX 1404  
ALEXANDRIA VA 22313-1404**

**MAILED**

**FEB 09 2012**

**OFFICE OF PETITIONS**

**In re Application of  
Hideyuki Matsuda et al.**

**Application No.: 12/860,654**

**Filed: August 20, 2010**

**Attorney Docket No.: 0056258-000056**

**For: Image Processing System, Image  
Processing Apparatus and Information  
Processing Apparatus**

**: DECISION ON REQUEST TO  
: PARTICIPATE IN THE PATENT  
: PROSECUTION HIGHWAY  
: PROGRAM AND PETITION  
: TO MAKE SPECIAL UNDER  
: 37 CFR 1.102(a)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed November 21, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

**Discussion**

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application is
  - a. a Paris Convention application which either
    - i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
    - ii. validly claims priority to a PCT application that contains no priority claims, or
  - b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
    - i. validly claims priority to an application filed in the JPO, or
    - ii. validly claims priority to a PCT application that contains no priority claims, or
    - iii. contains no priority claim, or
  - c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
    - i. validly claims priority to an application filed in the JPO, or



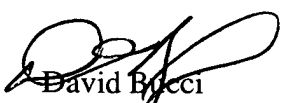
- ii. validly claims priority to a PCT application that contains no priority claims, or
  - iii. contains no priority claim;
- 2. Applicant must submit a copy of:
  - a. The allowable/patentable claim(s) from the JPO application(s);
  - b. An English translation of the allowable/patentable claim(s) and
  - c. A statement that the English translation is accurate;
- 3. Applicant must:
  - a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
  - b. Submit a claims correspondence table in English;
- 4. Examination of the U.S. application has not begun;
- 5. Applicant must submit:
  - a. Documentation of prior office action:
    - i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
    - ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
    - iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
  - b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
  - c. A statement that the English translation is accurate;
- 6. Applicant must submit:
  - a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
  - b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

This application will be forwarded to the examiner for action on the merits commensurate with this decision.

  
David Buccia  
Petitions Examiner  
Office of Petitions



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/860,697	08/20/2010	Kazuhiro Nakamura	SUTOSH.654AUS	1556
20995 7590 06/23/2011 KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614			EXAMINER WILLIS, TREMESA S	
			ART UNIT 2835	PAPER NUMBER
			NOTIFICATION DATE 06/23/2011	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jcartee@kmob.com  
efiling@kmob.com  
eOAPilot@kmob.com



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**KNOBBE MARTENS OLSON & BEAR LLP**  
**2040 MAIN STREET**  
**FOURTEENTH FLOOR**  
**IRVINE CA 92614**

<b>In re Application of</b>	<b>: DECISION ON REQUEST TO</b>
<b>NAKAMURA et al.</b>	<b>: PARTICIPATE IN THE PATENT</b>
<b>Application No.: 12/860,697</b>	<b>: PROSECUTION HIGHWAY</b>
<b>Filed: 20 August 2010</b>	<b>: PROGRAM AND PETITION</b>
<b>Attorney Docket No.: SUTOSH.654AUS</b>	<b>: TO MAKE SPECIAL UNDER</b>
<b>For: ELECTRONIC APPARATUS</b>	<b>: 37 CFR 1.102(a)</b>

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 13 June 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

**Discussion**

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application is

- a. a Paris Convention application which either
  - i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
  - ii. validly claims priority to a PCT application that contains no priority claims, or
- b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
  - i. validly claims priority to an application filed in the JPO, or
  - ii. validly claims priority to a PCT application that contains no priority claims, or
  - iii. contains no priority claim, or
- c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
  - i. validly claims priority to an application filed in the JPO, or
  - ii. validly claims priority to a PCT application that contains no priority claims, or
  - iii. contains no priority claim;

2. Applicant must submit a copy of:
  - a. The allowable/patentable claim(s) from the JPO application(s);
  - b. An English translation of the allowable/patentable claim(s) and
  - c. A statement that the English translation is accurate;
3. Applicant must:
  - a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
  - b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
  - a. Documentation of prior office action:
    - i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
    - ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
    - iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
  - b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
  - c. A statement that the English translation is accurate;
6. Applicant must submit:
  - a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
  - b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.



Lee W. Young  
TQAS, Technology Center 2800 – Semiconductors  
Electrical & Optical Systems & Components



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**DAVID TERMAN**  
**3 HANGAR WAY, SUITE D**  
**WATSONVILLE CA 95076**

**MAILED**

**OCT 06 2010**

**OFFICE OF PETITIONS**

In re Application of	:	
David S. Terman	:	
Application No. 12/860,699	:	ON PETITION
Filed: August 20, 2010	:	
Attorney Docket No. P1433C3	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 20, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement (PTO/SB/130 form) by the applicant that applicant is 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7751. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being referred to the Office of Patent Application Processing for further processing in accordance with this decision on petition.

Joan Olszewski  
Petitions Examiner  
Office of Petitions



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Alexandria, VA 22313-1450  
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**KILPATRICK TOWNSEND & STOCKTON LLP  
TWO EMBARCADERO CENTER  
EIGHTH FLOOR  
SAN FRANCISCO CA 94111-3834**

**MAILED  
MAR 22 2011  
OFFICE OF PETITIONS**

In re Application of	:	
ANDERSEN, Claus et al.	:	
Application No. 12/860,774	:	DECISION ON PETITION
Filed: August 20, 2010	:	TO WITHDRAW
Attorney Docket No. 026808-004810US	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 17, 2011.

The request is **NOT APPROVED**.

The Office has revised its change in procedure for request to withdraw from representation applies to requests filed on or after May 12, 2008.

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record cannot be approved because the request to change the correspondence address is not that of: (1) the first named inventor; or (2) an assignee of the entire interest under 37 C.F.R. 3.71 who has properly intervened.

If an assignee has intervened in this application, then a Statement under 37 CFR 3.73(b) or a copy of the actual assignment must be submitted with a renewed request.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272- 2783.

/Tredelle D. Jackson/  
Paralegal Specialist  
Office of Petitions

cc: **AMERICAN POWER CONVERSION CORPORATION  
C/O SHANE HUNTER  
GILMAN CLARK LLC  
176 FEDERAL STREET, 4<sup>TH</sup> FLOOR  
BOSTON MA 02110**



**KILPATRICK TOWNSEND & STOCKTON LLP  
TWO EMBARCADERO CENTER  
EIGHTH FLOOR  
SAN FRANCISCO CA 94111-3834**

**MAILED**

**APR 11 2011**

**OFFICE OF PETITIONS**

In re Application of	:	
<b>ANDERSEN, Claus et al.</b>	:	
Application No. 12/860,774	:	DECISION ON PETITION
Filed: August 20, 2010	:	TO WITHDRAW
Attorney Docket No. <b>026808-004810US</b>	:	FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 31, 2011.

The request is **NOT APPROVED**.

The Office has revised its change in procedure for request to withdraw from representation applies to requests filed on or after May 12, 2008.

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record cannot be approved because the request to change the correspondence address is not that of: (1) the first named inventor; or (2) an assignee of the entire interest under 37 C.F.R 3.71 who has properly intervened.

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (e.g., reel and frame number).

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

/Tredelle D. Jackson/  
Paralegal Specialist  
Office of Petitions

cc: **AMERICAN POWER CONVERSION CORPORATION  
C/O SHANE HUNTER  
GILMAN CLARK LLC  
176 FEDERAL STREET, 4<sup>TH</sup> FLOOR  
BOSTON MA 02110**





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Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/860,797	08/20/2010	John Michael Daly	DAVI225.001CDV1	1752
20995 7590 07/21/2011 KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614			EXAMINER NOBLE, MARCIA STEPHENS	
			ART UNIT 1632	PAPER NUMBER
			NOTIFICATION DATE 07/21/2011	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jcartee@kmob.com  
efiling@kmob.com  
eOAPilot@kmob.com



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JUL 21 2011

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KNOBBE MARTENS OLSON & BEAR LLP  
2040 MAIN STREET  
FOURTEENTH FLOOR  
IRVINE, CA 92614

In re Application of	:	DECISION ON REQUEST TO
JOHN DALY	:	PARTICIPATE IN PATENT
Application No. 12/860,797	:	PROSECUTION HIGHWAY
Filed: August 20, 2010	:	PROGRAM AND PETITION
Attorney Docket No. DAVI225.001CDV1	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed August 20, 2010, to make the above-identified application special.

The request and petition are **DISMISSED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application is (a) a Paris Convention application which either (i) validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed with IPAU, or (ii) validly claims priority under 35 U.S.C. 119(a)/365(a) to a PCT application that contains no priority claims, or (b) a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application (i) validly claims priority under 35 U.S.C. 365(b) to an application filed with IPAU, or (ii) validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or (iii) contains no priority claim, or (c) a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application (i) validly claims priority under 35 U.S.C. 365(b) to an application filed with IPAU, or (ii) validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or (iii) contains no priority claim;
- (2) The IPAU application(s) has at least one claim that was determined by IPAU to be allowable.;
- (3) All the claims in each U.S. application for which a request for participation in the PPH pilot program is made must sufficiently correspond or be amended to sufficiently correspond to the allowable claims in the IPAU application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of all the office actions (which are relevant to patentability) from each of the IPAU application(s) containing the allowable claims that are the basis for the request;
- (6) Applicant must submit a copy of the allowable claims from the IPAU application(s);

- (7) Applicant must submit a claim correspondence table in English; and  
(8) Applicant must submit an information disclosure statement (IDS) listing the documents cited by the IPAU examiner in the IPAU office action (unless such an IDS has already been filed in the U.S. application).

The request to participate in the PPH program and petition fails to comply with the requirement because: examination in the U.S. application has begun. The first action on the merits was mailed June 10, 2011.

Telephone inquiries concerning this decision should be directed to Cecilia Tsang at 571-272-0562.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.



Cecilia Tsang  
Supervisory Patent Examiner  
TC 1600



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Alexandria, VA 22313-1450  
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BROWDY AND NEIMARK, PLLC  
1625 K STREET, N.W.  
SUITE 1100  
WASHINGTON DC 20006

**MAILED**  
**FEB 16 2012**  
**OFFICE OF PETITIONS**

In re Application of :  
Ayala Barak :  
Application No. 12/860,802 : DECISION GRANTING PETITION  
Filed: August 20, 2010 : UNDER 37 CFR 1.313(c)(2)  
Attorney Docket No. BARAK6B :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, February 15, 2012 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

**Petitioner is advised that the issue fee paid on January 31, 2012 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.**

Telephone inquiries should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 1611 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

/Irvin Dingle/  
Irvin Dingle  
Petitions Examiner  
Office of Petitions

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<sup>1</sup> The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).



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COCHRAN FREUND & YOUNG LLC  
2026 CARIBOU DR  
SUITE 201  
FORT COLLINS CO 80525

**MAILED**

**FEB 14 2011**

**OFFICE OF PETITIONS**

In re Application of :  
Gunn, et al. :  
Application No. 12/860,805 :  
Filed: August 20, 2010 :  
Attorney Docket No. HYDH.01USO1 :  
For: ANIMAL TRANSPORT WATERING :  
SYSTEM AND METHOD :

**ON PETITION**

This is a decision on the correspondence entitled PETITION REGARDING UNCOOPERATIVE INVENTOR, filed November 8, 2010, which is being treated as a petition under 37 CFR 1.47(a).

Petitioner is reminded that when one joint inventor signs, the provisions of 37 CFR 1.47(a) apply. Where 37 CFR 1.47(a) is available, application cannot be made under 37 CFR 1.47(b). MPEP 409.03(b)

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. Any response should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)" and may include an oath or declaration executed by the inventor. **Failure to respond will result in abandonment of the application.**

A grantable petition under 37 CFR 1.47(a) requires

- (1) a petition including proof of the pertinent facts establishing that the joint inventor(s) refuses to join, or cannot be found or reached after diligent effort,
- (2) a proper oath or Declaration executed by the available joint inventor(s),
- (3) the petition fee of \$200, and
- (4) the last known address of the omitted inventor(s).

This petition lacks item (1) above.

As to item (1), applicant has failed to establish that Mr. DeVaney has refused to sign the declaration. Paul M. Thompson executed the statement of facts. Mr. Thompson does not appear to have first hand knowledge of the efforts made to obtain Mr. DeVaney's cooperation. It

appears that Randall Scott Gunn and unnamed members of his staff have first hand knowledge of the pertinent events.

The Office would like Randall Scott Gunn's and his staff members' statements regarding their efforts to obtain Mr. DeVaney's signature on the declaration. The statement of facts must be signed by a person having *firsthand knowledge* of the facts recited therein. Statements based on hearsay will not normally be accepted. MPEPE 409.03(d)

The Office requires that the non-signing inventor be provided with a complete copy of the application as filed. This includes the specification with claims, drawings, if any, and a declaration. See MPEP 409.03(d).

Mr. DeVaney must have the complete application in his possession in order to make an informed decision as to whether he joins in its filing. When petitioner can show that Mr. DeVaney was mailed or received the complete application and that he either refused to sign the declaration or would not respond to the request that he sign the declaration within a reasonable amount of time, petitioner will have satisfied this requirement.

Petitioner is reminded that the September 7, 2010 Notice to File Missing Parts of Nonprovisional Application required applicants to submit a \$270.00 search fee, a \$110.00 examination fee, a \$82.00 basic filing fee, and a \$65.00 surcharge. The Office has no record of receiving these fees. Extensions of time under 37 CFR 1.136(a) are still available.

Further correspondence with respect to this matter should be addressed as follows:

- By mail:** Mail Stop PETITION  
Commissioner for Patents  
Post Office Box 1450  
Alexandria, VA 22313-1450
- By hand:** U.S. Patent and Trademark Office  
Customer Service Window, Mail Stop Petition  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314
- By FAX:** (571) 273-8300 – ATTN: Office of Petitions
- By internet:** EFS-Web  
[www.uspto.gov/ebs/efs\\_help.html](http://www.uspto.gov/ebs/efs_help.html)  
(for help using EFS-Web call the  
Patent Electronic Business Center  
at (866) 217-9197)

Telephone inquiries should be directed to the undersigned at (571) 272-3230.

A handwritten signature in black ink, reading "Shirene Willis Brantley". The signature is written in a cursive, flowing style.

Shirene Willis Brantley  
Senior Petitions Attorney  
Office of Petitions



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SUITE 201  
FORT COLLINS CO 80525

**MAILED**

**APR 22 2011**

**OFFICE OF PETITIONS**

In re Application of :  
Gunn, et al. :  
Application No. 12/860,805 : ON PETITION  
Filed: August 20, 2010 :  
Attorney Docket No. HYDH.01USO1 :  
For: ANIMAL TRANSPORT WATERING :  
SYSTEM AND METHOD :

This is a decision on the renewed petition under 37 CFR 1.47(a), filed April 13, 2011.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. Any response should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)" and may include an oath or declaration executed by the inventor. **Failure to respond will result in abandonment of the application.**

A grantable petition under 37 CFR 1.47(a) requires

- (1) a petition including proof of the pertinent facts establishing that the joint inventor(s) refuses to join, or cannot be found or reached after diligent effort,
- (2) a proper oath or Declaration executed by the available joint inventor(s),
- (3) the petition fee of \$200, and
- (4) the last known address of the omitted inventor(s).

This petition lacks item (1) above.

As to item (1), applicant has failed to establish that Mr. DeVaney cannot be located to execute the declaration. The Office acknowledges Randall Scott Gunn's and his staff members' statements regarding their efforts to obtain Mr. DeVaney's signature on the declaration.

However, documentary evidence is lacking. If there is documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted. Please submit print outs of the two unsuccessful Internet searches for Mr. DeVaney.



Further correspondence with respect to this matter should be addressed as follows:

- By mail:** Mail Stop PETITION  
Commissioner for Patents  
Post Office Box 1450  
Alexandria, VA 22313-1450
- By hand:** U.S. Patent and Trademark Office  
Customer Service Window, Mail Stop Petition  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314
- By FAX:** (571) 273-8300 – ATTN: Office of Petitions
- By internet:** EFS-Web  
[www.uspto.gov/ebs/efs\\_help.html](http://www.uspto.gov/ebs/efs_help.html)  
(for help using EFS-Web call the  
Patent Electronic Business Center  
at (866) 217-9197)

Telephone inquiries should be directed to the undersigned at (571) 272-3230.



Shirene Willis Brantley  
Senior Petitions Attorney  
Office of Petitions



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COCHRAN FREUND & YOUNG LLC  
2026 CARIBOU DR  
SUITE 201  
FORT COLLINS CO 80525

**MAILED**

JUL 05 2011

In re Application of  
Gunn, et al.  
Application No. 12/860,805  
Filed: August 20, 2010  
Attorney Docket No. HYDH.01USO1  
For: ANIMAL TRANSPORT WATERING  
SYSTEM AND METHOD

OFFICE OF PETITIONS  
ON PETITION

This is a decision on the renewed petition under 37 CFR 1.47(a), filed June 22, 2011.

The petition is **GRANTED**.

Petitioner has shown that the non-signing inventor, Randy DeVaney, cannot be located to join in the filing of the above-identified application.

The application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This application is being referred to the Office of Patent Application Processing for further pre-examination processing.

Telephone inquiries should be directed to the undersigned at (571) 272-3230.

*Shirene Willis Brantley*  
Shirene Willis Brantley  
Senior Petitions Attorney  
Office of Petitions



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/860,833	08/20/2010	Atsuhiko YANAGIDA	SUTOSH.655AUS	1837

20995	7590	05/04/2011
KNOBBE MARTENS OLSON & BEAR LLP		
2040 MAIN STREET		
FOURTEENTH FLOOR		
IRVINE, CA 92614		

EXAMINER	
FRIEDHOFER, MICHAEL A	

ART UNIT	PAPER NUMBER
2833	

NOTIFICATION DATE	DELIVERY MODE
05/04/2011	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jcartee@kmob.com  
efiling@kmob.com  
eOAPilot@kmob.com



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**KNOBBE MARTENS OLSON & BEAR LLP**  
**2040 MAIN STREET**  
**FOURTEENTH FLOOR**  
**IRVINE CA 92614**

**In re Application of**  
**Atsuhiro YANAGIDA**  
**Application No.: 12/860,833**  
**Filed: 20 August 2010**  
**Attorney Docket No.: SUTOSH.655AUS**  
**For: ELECTRONIC DEVICE**

**: DECISION ON REQUEST TO**  
**: PARTICIPATE IN THE PATENT**  
**: PROSECUTION HIGHWAY**  
**: PROGRAM AND PETITION**  
**: TO MAKE SPECIAL UNDER**  
**: 37 CFR 1.102(a)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 14 April 2011 to make the above-identified application special.

The request and petition are **GRANTED**.

**Discussion**

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application is
  - a. a Paris Convention application which either
    - i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
    - ii. validly claims priority to a PCT application that contains no priority claims, or
  - b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
    - i. validly claims priority to an application filed in the JPO, or
    - ii. validly claims priority to a PCT application that contains no priority claims, or
    - iii. contains no priority claim, or
  - c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
    - i. validly claims priority to an application filed in the JPO, or
    - ii. validly claims priority to a PCT application that contains no priority claims, or
    - iii. contains no priority claim;


2. Applicant must submit a copy of:
  - a. The allowable/patentable claim(s) from the JPO application(s);
  - b. An English translation of the allowable/patentable claim(s) and
  - c. A statement that the English translation is accurate;
3. Applicant must:
  - a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
  - b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
  - a. Documentation of prior office action:
    - i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
    - ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
    - iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
  - b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
  - c. A statement that the English translation is accurate;
6. Applicant must submit:
  - a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
  - b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.



Lee W. Young  
TQAS, Technology Center 2800 – Semiconductors  
Electrical & Optical Systems & Components



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United States Patent and Trademark Office  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/860,837	08/20/2010	Shawn McCreight	66016/G468	1844
23363 7590 05/31/2011 CHRISTIE, PARKER & HALE, LLP PO BOX 7068 PASADENA, CA 91109-7068			EXAMINER JACOB, AJITH	
			ART UNIT 2161	PAPER NUMBER
			MAIL DATE 05/31/2011	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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Josephine E. Chang  
CHRISTIE, PARKER & HALE, LLP  
P.O. Box 7068  
Pasadena, CA 91109-7068

In re Application of:  
Shawn MCCREIGHT, et al.  
Application No. 12/860,837  
Filed: August 20, 2010  
For: ELECTRONIC DISCOVERY SYSTEM  
AND METHOD

**DECISION ON REQUEST  
UNDER 37 C.F.R. § 1.84(b)(1)  
TO ACCEPT PHOTOGRAPH  
DRAWINGS**

This is a decision on the request for acceptance of photograph drawings, filed on 04 November 2010, under 37 C.F.R. § 1.84(b)(1).

The request states that the photographs are the only practical medium for depicting the graphical user interfaces of Figs. 4A-4D, 5A-5D, and 8 as line drawings depicting the graphical user interfaces would be overly complicated and confusing; thus, the photograph drawings of Figs. 4A-4D, 5A-5D, and 8 should be accepted in lieu of black and white drawing.

The request is **GRANTED**.

/Vincent N. Trans/  
Vincent N. Trans, SPRE/QAS  
Technology Center 2100  
Computer Architecture and Software  
(571) 272-3613

**Doc Code: PET.GREEN**

**Document Description: Petition for Green Tech Pilot**

PTO/SB/420 (11-10)

Approved for use through 01/31/2011. OMB 0651-0062  
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket  
Number: HSI-P-010

Application Number  
(if known): 12/860,843

Filing date: August 20, 2010

First Named  
Inventor: Amit Chatterjee, Udo Waibel, Jeffrey S. Risberg, James J. Caputo

Title: Best Practices for Emission and Energy Management

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

**Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.**

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: \_\_\_\_\_

Signature /David C Hsia/

Date November 29, 2010

Name David C. Hsia  
(Print/Typed)

Registration Number 46,235

**Note:** Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below\*.



\*Total of <sup>1</sup> forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.





# UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/860,843	08/20/2010	Amit Chatterjee	HSI-P-010	1853
7590 12/17/2010				
David C. Hsia Patent Law Group LLP Suite 223 2635 North First Street San Jose, CA 95134-2049			EXAMINER	
			ART UNIT	PAPER NUMBER
			3743	
			MAIL DATE	DELIVERY MODE
			12/17/2010	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

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David C. Hsia  
Patent Law Group LLP  
Suite 223  
2635 North First Street  
San Jose CA 95134-2049

In re Application of	:	
CHATTERJEE, AMIT et al	:	DECISION ON PETITION
Application No. 12/860,843	:	TO MAKE SPECIAL UNDER
Filed: Aug. 20, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. HIS-P-010	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed Dec. 1, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **dismissed**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition

must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The petition lacks item # 1 and #4.

In regard to item#1, the application contains more than 21 claims. The applicant must at least cancel 1 claim

In regard to item 4, petitioner should note that the instant petition includes a statement identifying the basis for the special status (i.e., whether the instant invention (1) materially enhances the quality of the environment or materially contributes to (2) development of renewable energy resources or energy conservation, or (3) greenhouse gas reduction) as required by sections II and III of the notice. However, as stated in the notice, applicant must also provide a statement pertaining to the materiality standard if the application disclosure is not clear on its face as to the materiality of the basis for the special status of the invention. This petition lacks such a statement and it is not agreed that the application on its face meets that materiality standard. For example, it is not clear how the claimed method of doing business, e.g. obtaining a cost-analysis of energy usages, will provide and enhance the quality of the environment or contribute to development of renewable energy resources or energy conservation or greenhouse gas reduction. Regardless the energy cost, the client will still have to use the same amount of energy to produce the products. In the petition, petitioner merely states that the claimed invention provides an environmental and energy management system which helps an organization to select the best practices. Nowhere does the petitioner mention how the selection will provide and enhance the quality of the environment or contribute to development of renewable energy resources or energy conservation or greenhouse gas reduction

Any reconsideration of this decision should be submitted through the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

The application will be forwarded to the Technology Center Art Unit 3781 for action in its regular turn.

/Henry C. Yuen/

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Henry C. Yuen  
Quality Assurance Specialist  
Technology Center 3700

**Doc Code: PET.GREEN**

**Document Description: Petition for Green Tech Pilot**

PTO/SB/420 (11-10)

Approved for use through 01/31/2011. OMB 0651-0062  
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

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## PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket  
Number: HSI-P-008

Application Number  
(if known): 12/860,845

Filing date: August 20, 2010

First Named  
Inventor: Amit K. Singh

Title: Modeling Tool for Determining an Organization's Supply Chain Emission Footprint

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

**Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.**

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: \_\_\_\_\_

Signature /David C Hsia/

Date November 29, 2010

Name David C. Hsia  
(Print/Typed)

Registration Number 46,235

**Note:** Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below\*.



\*Total of <sup>1</sup> forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
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JAN 05 2011

PATENT LAW GROUP LLP  
2635 NORTH FIRST STREET  
SUITE 223  
SAN JOSE CA 95134

In re Application of	:	
Amit SINGH et al.	:	DECISION ON PETITION
Application No. 12/860,845	:	TO MAKE SPECIAL UNDER
Filed: August 20, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. HSI-P-008	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed December 1, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by

a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The petition lacks items 1 and 4.

In regard to item 1, petitioner should note that a review of the application claims has been made for the purposes of determining the number of claims contained therein. This application contains more than 20 total claims. As set forth in the Notice, if the application contains more than 3 independent claims or more than 20 total claims, it will not be eligible to participate in the "Pilot Program for Green Technologies Including Greenhouse Gas Reduction."

In regard to item 4, petitioner should note that the instant petition includes a statement identifying the basis for the special status as required by sections II and III of the notice. However, as stated in the notice, applicant must also provide a statement pertaining to the materiality standard if the application disclosure is not clear on its face as to the materiality of the basis for the special status of the invention. Petitioner asserts that "*The claimed invention provides an EEM system that provides a modeling tool for determining a client's supply chain emission footprint... The client may then select different suppliers and/or usages to compare the CO<sub>2</sub>e emissions. Since a client will want to use those suppliers generating low CO<sub>2</sub>e emissions, the suppliers will be financially motivated to reduce their CO<sub>2</sub>e emissions. In this way, the client can reduce its indirect CO<sub>2</sub>e emissions.*" These statements are merely speculation on how the instant invention can be used to materially enhance the quality of the environment. The claimed invention may be at best an exercise of good intention but it cannot make the client choose the supplier that has the low CO<sub>2</sub>e emissions. The client may ignore the supplier's CO<sub>2</sub>e emission data completely in their business decisions. It is not agreed that the claimed invention materially contributes to GHG emission reduction. As stated in the notice, the materiality standard does not permit an applicant to speculate as to how a hypothetical end-user might specially apply the invention in a manner than could materially contribute to category (A) or (B). *Also see MPEP § 708.02 (VI)*. Accordingly, it is not agreed that the application on its face meets that materiality standard.

Any reconsideration of this decision should be submitted through the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen.

Telephone inquiries concerning this decision should be directed to Lanna Mai at 571-272-6867.

The application is being forwarded to the Technology Center Art Unit 3623 for action in its regular turn.

/Lanna Mai/

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Lanna Mai  
Quality Assurance Specialist  
Technology Center 3600

Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (05-10)

Approved for use through 01/31/2011. OMB 0651-0062

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket  
Number:

Application Number  
(if known):

Filing date: 2010-08-21

First Named  
Inventor: LAWRENCE E. ANDERSON

Title: SOLAR OR WIND POWERED LIGHT

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

**Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.**

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements set forth in the notice titled "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," as modified by the notice titled "Elimination of Classification Requirement in the Green Technology Pilot Program," each of which was published in the Federal Register, if the Office determines that the claims are not obviously directed to a single invention.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: \_\_\_\_\_

Signature /LAWRENCE E. ANDERSON/

Date 2010-08-21

Name  
(Print/Typed) LAWRENCE E. ANDERSON

Registration Number 29503

**Note:** Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below\*.



\*Total of \_\_\_\_\_ forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



**Instruction Sheet for  
Petition to Make Special Under the Green Technology Pilot Program**  
(Not to be Submitted to the USPTO)

***The following is a summary of the requirements (for more information see the notices (i) "Pilot Program for Green Technologies Including Greenhouse Gas Reduction" and (ii) "Elimination of Classification Requirement in the Green Technology Pilot Program," available on the USPTO web site at [http://www.uspto.gov/patents/init\\_events/green\\_tech.jsp](http://www.uspto.gov/patents/init_events/green_tech.jsp)):***

- (1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111(a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371. The application must be previously filed before the publication date of the notice cited above. Reexamination proceedings are excluded from this pilot program.
- (2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.
- (3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice (i) cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice (i) cited above.
- (4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.
- (5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.
- (6) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/860,876		LAWRENCE E ANDERSON		1933
91424	7590	08/25/2010		
Lawrence E. Anderson P.O. Box 16603 Arlington, VA 22215			EXAMINER	
			ART UNIT	PAPER NUMBER
			1795	
			MAIL DATE	DELIVERY MODE
			08/25/2010	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

Lawrence E. Anderson  
P.O. Box 16603  
Arlington VA 22215

In re Application of  
Lawrence E. Anderson  
Application No. 12/860,876  
Filed: August 21, 2010

AUG 25 2010

:  
:  
: DECISION ON PETITION  
: TO MAKE SPECIAL UNDER  
: THE GREEN TECHNOLOGY  
: PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed August 21, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010).

The petition is **DENIED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009 (see *Requirements* (1) on page 64667 (left column) of the December 8, 2009 Fed. Reg. Notice).

The present application is a nonprovisional application filed under 35 USC 111(a) filed after December 8, 2009. Accordingly, this application is not eligible in the Green Technology Pilot Program.

Telephone inquiries concerning this decision should be directed to Blaine Copenheaver at 571-272-1156.

/Blaine Copenheaver/

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Blaine Copenheaver  
Quality Assurance Specialist  
Technology Center 1700

Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (11-10)

Approved for use through 01/31/2011. OMB 0651-0062

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number:	Application Number (if known): 12860876	Filing date: 2010-08-21
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First Named Inventor: Lawrence E. Anderson

Title: SOLAR OR WIND POWERED LIGHT

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

**Applicant is requesting early publication:** Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.

2. By filing this petition, applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: STATEMENT

Signature /LAWRENCE E. ANDERSON/

Date 2011-02-04

Name (Print/Typed) LAWRENCE E. ANDERSON

Registration Number 29503

**Note:** Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 1.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below\*.

☐ \*Total of 1 forms are submitted.

This information is requested to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**Instruction Sheet for  
Petition to Make Special Under the Green Technology Pilot Program  
(Not to be Submitted to the USPTO)**

The following is a summary of the requirements (for more information see the notices (i) "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," (ii) "Elimination of Classification Requirement in the Green Technology Pilot Program," and (iii) "Expansion and Extension of the Green Technology Pilot Program," available on the USPTO web site at [http://www.uspto.gov/patents/init\\_events/green\\_tech.jsp](http://www.uspto.gov/patents/init_events/green_tech.jsp)):

- 1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111 (a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371, irrespective of the filing date of the application. Reexamination proceedings are excluded from this pilot program.
- 2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.
- 3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice (i) cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice (i) cited above.
- 4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.
- 5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.
- 6) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).



# UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/860,876	08/21/2010	LAWRENCE E. ANDERSON		1933

91424 7590 02/23/2011  
Lawrence E. Anderson  
P.O. Box 16603  
Arlington, VA 22215

EXAMINER
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BRUCE, DAVID VERNON

ART UNIT	PAPER NUMBER
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2875

MAIL DATE	DELIVERY MODE
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02/23/2011

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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Lawrence E. Anderson  
P.O. Box 16603  
Arlington VA 22215

In re Application of	:	
Lawrence E. ANDERSON	:	DECISION ON PETITION
Application No. 12/860,876	:	TO MAKE SPECIAL UNDER
Filed: August 21, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. n/a	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on February 04, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).



The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

The application is being forwarded to the Technology Center Art Unit 2875 for action in its regular turn.

  
\_\_\_\_\_  
Lee W. Young  
Quality Assurance Specialist  
Technology Center 2800



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/860,888	08/21/2010	Donald J. Wagner		1966

98706 7590 10/05/2010

Donald Wagner  
15 Central Crt  
Los Gatos, CA 95030

EXAMINER
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ART UNIT	PAPER NUMBER
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1795

MAIL DATE	DELIVERY MODE
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10/05/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
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CST

OCT 05 2010

In re application of  
Donald Wagner  
Serial No. 12/860,888  
Filed: August 21, 2010  
For: PARTITIONED CURRENT  
MATCHING SOLAR CELL

DECISION ON PETITION  
TO MAKE SPECIAL

This is a decision on the petition filed on August 21, 2010 to make the above-identified application special under the accelerated examination program.

The petition to make the application special is **DENIED.**

REGULATION AND PRACTICE

To be eligible for accelerated examination under 37 C.F.R. § 1.102(d) and pursuant to the "Changes to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), the following conditions must be satisfied:

1. The application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. The application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours;
3. The application, at the time of filing, must be complete under 37 CFR 1.51 and in condition for examination;
4. The application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

The application as filed is not eligible for accelerated examination under 37 C.F.R. § 1.102(d) because the application, at the time of filing, was not in condition for examination. Note, specifically, the NOTICE TO FILE CORRECTED APPLICATION

Application No. 12/860,888

PAPERS mailed on August 26, 2010, which indicates that the application was not in condition for examination at the time of filing.

MPEP 708.02(a), section VIII further states:

The petition to make special will be dismissed if the application omits an item or includes a paper that causes the Office of Initial Patent Examination (OIPE) to mail a notice during the formality review (e.g., a notice of incomplete application, notice to file missing parts, notice to file corrected application papers, notice of omitted items, or notice of informal application). The opportunity to perfect a petition (subsection II above) does not apply to applications that are not in condition for examination on filing.

For the above-stated reasons, the petition is denied. The application will therefore be taken up by the examiner for action in its regular turn.

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

/Christine Tierney/

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Christine Tierney  
Quality Assurance Specialist  
Technology Center 1700

**Doc Code: PET.GREEN**

**Document Description: Petition for Green Tech Pilot**

PTO/SB/420 (11-10)

Approved for use through 01/31/2011. OMB 0651-0062  
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

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## PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket  
Number: 81200403

Application Number  
(if known): 12861004

Filing date: August 23, 2010

First Named  
Inventor: Satish Thuta

Title: Method And System For Controlling A Power Converter System Connected To A DC-BUS Capacitor

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

**Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.**

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: \_\_\_\_\_

Signature /Mathew R. Syrowik/

Date 2011-03-10

Name  
(Print/Typed) Mathew R. Syrowik

Registration Number 62443

**Note:** Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below\*.



\*Total of ..... forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**Instruction Sheet for  
Petition to Make Special Under the Green Technology Pilot Program**  
(Not to be Submitted to the USPTO)

**The following is a summary of the requirements (for more information see the notices (i) "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," (ii) "Elimination of Classification Requirement in the Green Technology Pilot Program," and (iii) "Expansion and Extension of the Green Technology Pilot Program," available on the USPTO web site at [http://www.uspto.gov/patents/init\\_events/green\\_tech.jsp](http://www.uspto.gov/patents/init_events/green_tech.jsp)):**

- 1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111 (a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371, irrespective of the filing date of the application. Reexamination proceedings are excluded from this pilot program.
- 2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.
- 3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice (i) cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice (i) cited above.
- 4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.
- 5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.
- 6) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

SATISH THUTA et al.

Application No.: 12861004

Filed: August 23, 2010

For: Method And System For Controlling A Power Converter System  
Connected To A DC-BUS Capacitor

Attorney Docket No.: 81200403

Group Art Unit: 2838

Examiner: Unknown

**STATEMENT SUPPORTING ELIGIBILITY REQUIREMENT OF  
THE GREEN TECHNOLOGY PILOT PROGRAM**

Commissioner for Patents  
U.S. Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This Statement of Special Status for the Eligibility Requirement is being filed concurrently with a Petition To Make Special Under the Green Technology Pilot Program (PTO/SB/420), and pursuant to the requirements of 74 Fed. Reg. 64,666 (Dec. 8, 2009), as amended by 75 Fed. Reg. 28, 554 (May 21, 2010) and 75 Fed. Reg. 68049 (Nov. 10, 2010).

Applicant respectfully submits that the above-identified application is eligible for the “Green Technology Pilot Program” as materially contributing to the more efficient utilization and conservation of energy resources or the reduction of greenhouse gas emissions.

Applicant respectfully submits that it is clear on the above-identified application’s face that the claimed invention materially contributes to the more efficient utilization and conservation of energy resources or the reduction of greenhouse gas emissions, hence no additional statement explaining how the materiality standard is met is being submitted at this time.



The Application is a non-reissue, non-provisional utility application filed under 35 U.S.C. §111(a). The Application contains no more than three (3) independent claims and twenty (20) total claims. The Application does not contain multiple dependent claims. A first Office action has not yet appeared in the Patent Application Information Retrieval System (PAIR).

The publication fee under 37 C.F.R. § 1.18(d) of \$300 has been paid upon filing. Please charge any additional required fees to Deposit Account No. 06-1510 (Ford Global Technologies, LLC).

Respectfully submitted,  
**SATISH THUTA et al.**

By: /Mathew R. Syrowik/  
Mathew R. Syrowik  
Reg. No. 62443  
Attorney for Applicant

Date: March 10, 2011

**BROOKS KUSHMAN P.C.**  
1000 Town Center, 22nd Floor  
Southfield, MI 48075-1238  
Phone: 248-358-4400  
Fax: 248-358-3351



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/861,004	08/23/2010	Chingchi Chen	81200403	1207
28395 7590 03/29/2011 BROOKS KUSHMAN P.C./FGTL 1000 TOWN CENTER 22ND FLOOR SOUTHFIELD, MI 48075-1238			EXAMINER LAXTON, GARY L	
			ART UNIT 2838	PAPER NUMBER
			MAIL DATE 03/29/2011	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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BROOKS KUSHMAN P.C./FGTL  
1000 TOWN CENTER  
22ND FLOOR  
SOUTHFIELD MI 48075-1238

In re Application of	:	
CHEN et al.	:	DECISION ON PETITION
Application No. 12/861,004	:	TO MAKE SPECIAL UNDER
Filed: August 23, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 81200403	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on March 11, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the

Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The petition lacks item 4.

In regard to item 4, applicant's statement pertaining to how the materiality standard is met does not satisfy the requirements for this pilot. The instant petition includes a statement identifying the basis for the special status as contributing to more efficient utilization and conservation of energy or reduction of greenhouse gas emissions. However, it is not readily apparent how the claimed invention contributes to more efficient utilization of energy or reduction of greenhouse gas emissions. The materiality standard does not permit an applicant to speculate as to how a hypothetical end-user might specially apply the invention in a manner that could contribute to more efficient utilization and conservation of energy or reduction of greenhouse gas emissions.

Any reconsideration of this decision should be submitted through the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

The application is being forwarded to the Technology Center Art Unit 2838 for action in its regular turn.

  
\_\_\_\_\_  
Lee W. Young  
Quality Assurance Specialist  
Technology Center 2800

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

CHEN et al.

Appl. No.: 12/861,004

Filed: August 23, 2010

For: METHOD AND SYSTEM FOR CONTROLLING A POWER CONVERTER  
SYSTEM CONNECTED TO A DC-BUS CAPACITOR

Group Art Unit: 2838

Examiner: LAXTON, GARY L

Attorney Docket No.: 81200403 (FMC 2962 PUS)

**REQUEST FOR RECONSIDERATION OF PETITION TO MAKE  
SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM**

Commissioner for Patents  
U.S. Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Decision on the Petition mailed March 29, 2011, Applicant respectfully requests reconsideration of the petition and Statement in support filed March 11, 2011 for the reasons stated herein.

In the decision dismissing the petition, it was stated that the petition lacked item #4, i.e. the materiality standard. The Examiner states that it is not readily apparent how the claimed invention contributes to more efficient utilization of energy or reduction of greenhouse gas emissions.

As claimed in Claim 1, for example, the method controls a power converter system to reduce ripple current in a DC-bus capacitor that is connected to first, second, and third associated phase currents of the power converter system. Reducing ripple current in the DC-bus capacitor materially contributes to more efficient utilization of energy or reduction of greenhouse gas emissions by decreasing the temperature of components connected to a DC-bus (less energy lost to heat), by decreasing the amount of electromagnetic interference generated by the power

conversion system (less electric disturbance and better energy efficiency), and/or by allowing the power conversion system to use a smaller DC-bus capacitor, which reduces the weight, size and volume of the power conversion system. As those of ordinary skill in the art will understand, the method and system claimed in this application can directly benefit the energy efficiency of power conversion for hybrid electric vehicles, fuel cell vehicles, and electric vehicles.

For the reasons above, Applicant respectfully requests the Examiner to reconsider the decision and grant the petition.

The Application is a non-reissue, non-provisional utility application filed under 35 U.S.C. §111(a). The Application contains no more than three (3) independent claims and twenty (20) total claims. The Application does not contain multiple dependent claims. A first Office action has not yet appeared in the Patent Application Information Retrieval System (PAIR).

Respectfully submitted,

CHEN et al.

By:           /Mathew R. Syrowik/            
Mathew R. Syrowik  
Reg. No. 62,443  
Attorney for Applicant

Date:   April 28, 2011  

**BROOKS KUSHMAN P.C.**  
1000 Town Center, 22nd Floor  
Southfield, MI 48075-1238  
Phone: 248-358-4400  
Fax: 248-358-3351



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/861,004	08/23/2010	Chingchi Chen	81200403	1207
28395 7590 05/10/2011 BROOKS KUSHMAN P.C./FGTL 1000 TOWN CENTER 22ND FLOOR SOUTHFIELD, MI 48075-1238			EXAMINER LAXTON, GARY L	
			ART UNIT 2838	PAPER NUMBER
			MAIL DATE 05/10/2011	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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BROOKS KUSHMAN P.C./FGTL  
1000 TOWN CENTER  
22ND FLOOR  
SOUTHFIELD MI 48075-1238

In re Application of	:	
CHEN et al.	:	DECISION ON PETITION
Application No. 12/861,004	:	TO MAKE SPECIAL UNDER
Filed: August 23, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 81200403	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on March 11, 2011 and renewed on April 28, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

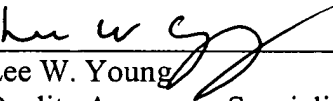


The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

The application is being forwarded to the Technology Center Art Unit 2838 for action on the merits commensurate with this decision.

  
\_\_\_\_\_  
Lee W. Young  
Quality Assurance Specialist  
Technology Center 2800



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/861,078	08/23/2010	Kazuki Kawakami	22952-0069001	1353

26211	7590	01/26/2011
FISH & RICHARDSON P.C. (NY)		
P.O. BOX 1022		
MINNEAPOLIS, MN 55440-1022		

EXAMINER	
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ART UNIT	PAPER NUMBER
1747	

NOTIFICATION DATE	DELIVERY MODE
01/26/2011	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATDOCTC@fr.com



UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450  
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CST

January 25, 2011

In re application of	:	DECISION ON REQUEST TO
Kazuki Kawakami	:	PARTICIPATE IN PATENT
Serial No. 12/861,078	:	PROSECUTION HIGHWAY
Filed: August 23, 2010	:	PROGRAM AND
For: PNEUMATIC TIRE	:	PETITION TO MAKE SPECIAL
	:	UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program filed November 10, 2010.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;

(2) Applicant must submit a copy of:

- a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO to obtain a copy from DAS; however, if the USPTO is unable to obtain a copy from the DAS, the applicant will be required to submit a copy;
- b. An English translation of the allowable/ patentable claim(s), if applicable; and
- c. A statement that the English translation is accurate, if applicable;

(3) Applicant must:

- a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s); and
- b. Submit a claims correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:

- a. Documentation of prior office action:
  - i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claims(s) or
  - ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
  - iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form:  
Further, if a copy of the documents from a or b is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy;
- b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above if applicable; and
- c. A statement that the English translation is accurate; and

(6) Applicant must submit:

- a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
- b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.

/Christine Tierney/

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Christine Tierney  
Quality Assurance Specialist  
Technology Center 1700

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: Peter James FRITZ )  
Confirmation No.: 1476 )  
Serial No.: 12/861,145 )  
Filing Date: August 23, 2010 )  
Atty Docket No.: 244365-1 )

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Statement Concerning the Basis for the Special Status**

SIR:

Applicant respectfully submits that Special Status is sought on the basis that the present invention materially contributes to the development of renewable energy resources or energy conservation.

The undersigned attorney may be contacted at the number below to facilitate the resolution of any matters. Please charge any fees that are incurred in connection with this Statement to deposit account no. 09-0470.

Respectfully submitted,

General Electric Company

By : /Douglas D. Zhang/  
Douglas D. Zhang  
Reg. No. 37,985

Dated: December 21, 2010

GE Global Patent Operation  
2 Corporate Drive, Suite 648  
Shelton, CT 06484  
203-944-6755

Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (11-10)

Approved for use through 01/31/2011. OMB 0651-0062

U.S. Patent and Trademark Office: U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: 244365-1	Application Number (if known): 12/861,145	Filing date: August 23, 2010
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First Named Inventor: Peter James FRITZ

Title: BLADE EXTENSION FOR ROTOR BLADE IN WIND TURBINE

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

**Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.**

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: Statement Concerning the Basis for the Special Status

Signature /Douglas D. Zhang/

Date December 21, 2010

Name Douglas D. Zhang  
(Print/Typed)

Registration Number 37,985

**Note:** Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below\*.

☐ \*Total of \_\_\_\_\_ forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/861,145	08/23/2010	Peter James Fritz	244365/GEC-151	1476

87853 7590 01/04/2011  
Dority & Manning, PA and General Electric Company  
Post Office Box 1449  
Greenville, SC 29602

EXAMINER
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ART UNIT	PAPER NUMBER
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3745

MAIL DATE	DELIVERY MODE
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01/04/2011

PAPER

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Dority & Manning, PA and General Electric Company  
Post Office Box 1449  
Greenville SC 29602

In re Application of	:	
FRITZ, PETER JAMES et al	:	DECISION ON PETITION
Application No. 12/861,145	:	TO MAKE SPECIAL UNDER
Filed: Aug. 23, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 244365/GEC/151	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed Dec. 22, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **granted**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed

invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded “special” status.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

This application will be forwarded to the Technology Center Art Unit 3745 for action on the merits commensurate with this decision.

/Henry C. Yuen/

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Henry C. Yuen  
Quality Assurance Specialist  
Technology Center TC 3700



# UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/861,166	08/23/2010	Hiroyasu Kidokoro	MNL-2018-2576	1518
7590 12/27/2011				
NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203				
EXAMINER BENSON, WALTER				
ART UNIT		PAPER NUMBER		
2837				
NOTIFICATION DATE		DELIVERY MODE		
12/27/2011		ELECTRONIC		

## DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

*The declaration of express abandonment is recognized*

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

*Betty Powell*

Patent Publication Branch  
Office of Data Management



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United States Patent and Trademark Office  
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**BUCHALTER NEMER  
18400 VON KARMAN AVE.  
SUITE 800  
IRVINE CA 92612**

**MAILED  
DEC 05 2011  
OFFICE OF PETITIONS**

In re Application of :  
Robert Carpenter :  
Application No. 12/861,215 : **DECISION ON PETITION**  
Filed: August 23, 2010 :  
Attorney Docket No. F8749-0105 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 19, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, January 27, 2011, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on April 28, 2011. A Notice of Abandonment was mailed August 29, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Amendment, (2) the petition fee of \$930.00, and (3) a proper statement of unintentional delay.

Additionally, it is not apparent whether the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute this application. In accordance with 37 CFR 1.34(a), the signature appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he/she is authorized to represent the particular party in whose behalf he/she acts.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

This application is being referred to Technology Center AU 3625 for appropriate action by the Examiner in the normal course of business on the reply received.

/Joan Olszewski/  
Joan Olszewski  
Petitions Examiner  
Office of Petitions



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United States Patent and Trademark Office  
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Alexandria, VA 22313-1450  
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VISTA PRINT USA, INC.  
ATTN: PATENT COUNSEL  
95 HAYDEN AVENUE  
LEXINGTON, MA 02421

**MAILED**

**JUN 08 2011**

**OFFICE OF PETITIONS**

In re Application of Sean Connolly et al.	:	
Application No. 12/861,222	:	Decision on Petition
Filing Date: August 23, 2010	:	
Attorney Docket No. 10-020	:	

This is a decision on the petition under 37 CFR 1.137(b) filed April 13, 2011, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. No further petition fee is required for the request. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter titled "Renewed Petition under 37 CFR 1.137(b)."

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application mailed September 9, 2010. The notice set a period for reply of two (2) months from the mail date of the notice and an extension of time under the provisions of 37 CFR 1.136(a) was not obtained. As a result, the application became abandoned on November 10, 2010.

The instant petition requests revival of the application.

A grantable petition under 37 CFR 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed,
- (2) The petition fee,
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, and
- (4) A terminal disclaimer and fee if the application was filed on or before June 8, 1995, or if the application is a design application.

The petition fails to satisfy requirement (1) set forth above.

The September 9, 2010 notice required the submission of several items including replacement drawings. The notice stated in part,

The drawings submitted are not acceptable because [the] drawings contain excessive text. Suitable descriptive legends may be used or may be required by the Examiner where necessary for understanding of the drawing but should contain as few words as possible (see 37 CFR 1.84(o)). See Figure(s) 3J,3O,3R.

A review of Figures 3J, 3O, and 3R filed with the petition indicates very little, *if any*, text was removed from the three figures. Therefore, the drawings remain unacceptable because Figures 3J, 3O, and 3R contain excessive text.

The September 9, 2010 stated the replacement drawings must comply with 37 CFR 1.121(d), which states, with emphasis added,

Any changes to an application drawing must be in compliance with § 1.84 and must be submitted on a replacement sheet of drawings which shall be an attachment to the amendment document and, in the top margin, *labeled "Replacement Sheet"*. Any replacement sheet of drawings shall include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is amended.

The drawing sheets filed with the petition do not include the label "Replacement Sheet."

In view of the prior discussion, the petition does not include a proper reply to the September 9, 2010 notice and the petition must be dismissed. A request for reconsideration and proper replacement drawings should be filed.

A grantable petition under 37 CFR 1.137(b) must be accompanied by a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Although the instant petition includes such a statement, the statement should also appear in any request for reconsideration. In other words, any request for reconsideration should include the following statement, or a similar statement: "The entire delay in filing the required reply from the due date for the reply until the filing the instant petition pursuant to 37 CFR 1.137(b) was unintentional."

Further correspondence with respect to this matter may be submitted as follows:

By Internet: A request for reconsideration may be filed electronically using EFS Web.<sup>1</sup>  
Document Code "PET.OP" should be used if the request is filed electronically.

By mail: Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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<sup>1</sup> General Information concerning EFS Web can be found at <http://www.uspto.gov/patents/process/file/efs/index.jsp>.

By facsimile: (571) 273-8300  
Attn: Office of Petitions

By hand: U.S. Patent and Trademark Office  
Customer Service Window  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Telephone inquiries regarding this communication should be directed to Petitions Attorney  
Steven Brantley at (571) 272-3203.

A handwritten signature in black ink, appearing to read 'Charles Brantley', with a stylized flourish at the end.

Charles Steven Brantley  
Senior Petitions Attorney  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

VISTA PRINT USA, INC.  
ATTN: PATENT COUNSEL  
95 HAYDEN AVENUE  
LEXINGTON, MA 02421

**MAILED**

**JUN 27 2011**

**OFFICE OF PETITIONS**

In re Application of Sean Connolly et al.	:	
Application No. 12/861,222	:	Decision on Petition
Filing Date: August 23, 2010	:	
Attorney Docket No. 10-020	:	

This is a decision on the renewed petition under 37 CFR 1.137(b) filed June 21, 2011, to revive the above-identified application.

The petition is **granted**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application mailed September 9, 2010. The notice set a period for reply of two (2) months from the mail date of the notice and an extension of time under the provisions of 37 CFR 1.136(a) was not obtained. As a result, the application became abandoned on November 10, 2010

A petition under 37 CFR 1.137(b) was filed April 13, 2011. A decision dismissing the petition was mailed June 8, 2011. The decision stated,

The September 9, 2010 notice required the submission of several items including replacement drawings. The notice stated in part,

The drawings submitted are not acceptable because [the] drawings contain excessive text. Suitable descriptive legends may be used or may be required by the Examiner where necessary for understanding of the drawing but should contain as few words as possible (see 37 CFR 1.84(o)). See Figure(s) 3J,3O,3R.

A review of Figures 3J, 3O, and 3R filed with the petition indicates very little, *if any*, text was removed from the three figures. Therefore, the drawings remain unacceptable because Figures 3J, 3O, and 3R contain excessive text.

The instant petition includes a new set of corrected drawings. The amount of text in Figures 3J, 3O, and 3R has been reduced.



The Office has determined the drawings are sufficient to constitute a reply within the meaning of 37 CFR 1.137(b).

A grantable petition under 37 CFR 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed,
- (2) The petition fee,
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, and
- (4) A terminal disclaimer and fee if the application was filed on or before June 8, 1995, or if the application is a design application.

The petition satisfies the requirements of 37 CFR 1.137(b) in so far as petitioner has supplied (1) a reply as previously noted, (2) the required petition fee of \$1,620, and (3) the required statement of unintentional delay. Therefore, the petition is granted and the application is revived.

The Office of Patent Application Processing ("OPAP") will be informed of the instant decision. If OPAP determines the corrected drawings filed June 21, 2011, are unacceptable, OPAP will mail a notice requiring the submission of new drawings. If such a notice is mailed, the time period to respond to the notice will be set to run from the mailing date of the notice.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.



Charles Steven Brantley  
Senior Petitions Attorney  
Office of Petitions

**SPE RESPONSE FOR CERTIFICATE OF CORRECTION**

Paper No.: \_\_\_\_\_

DATE : February 22, 2012

TO SPE OF : ART UNIT 2839 SPE Tulsidas C. Patel.

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/861,263 Patent No.: 8,089,173 B2

Please respond to this request for a certificate of correction within 7 days.

**FOR IFW FILES:**

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

**FOR PAPER FILES:**

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (CofC)  
Randolph Square Building  
2800 South Randolph Street  
Arlington, VA 22206**

Should the dependencies in claims 16, 18, 19, 20 and 21 be changed as requested by applicant?  
See COCIN dated 2-8-2012

***Antonio Johnson***

\_\_\_\_\_  
Certificates of Correction Branch

(571)272-0483 Fax – (571)270-9846

**Thank You For Your Assistance**

**The request for issuing the above-identified correction(s) is hereby:**

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments: The changes are acceptable.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ SPE\_\_/Tulsidas C Patel/\_\_\_\_ Art Unit 2839



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**NIKOLAI & MERSEREAU, P.A.**  
**900 SECOND AVENUE SOUTH**  
**SUITE 820**  
**MINNEAPOLIS MN 55402**

**MAILED**

**SEP 13 2010**

In re Application of	:	<b>OFFICE OF PETITIONS</b>
Beisang et al.	:	
Application No. 12/861,264	:	<b>ON PETITION</b>
Filed: August 23, 2010	:	
Attorney Docket No. 20020529.DAC	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 23, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

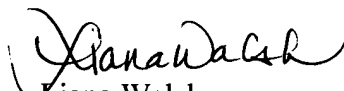
The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes a Statement from the applicant, Arthur A. Beisang. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-3206. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This matter is being referred to the Office of Patent Application Processing for further pre-examination processing. Thereafter, once processing is complete, the application will be referred to Technology Center Art Unit 1617 for action on the merits commensurate with this decision.

  
Liana Walsh  
Petitions Examiner  
Office of Petitions



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/861,330	08/23/2010	Toshihiro KUGIMIYA	364850US0X CONT	1817
22850 7590 02/17/2011 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER YANG, JIE	
			ART UNIT 1733	PAPER NUMBER
			NOTIFICATION DATE 02/17/2011	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com  
oblonpat@oblon.com  
jgardner@oblon.com



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February <sup>17</sup>~~15~~, 2011

CST

In re application of	:	DECISION ON REQUEST TO
Toshihiro Kugimiya et al	:	PARTICIPATE IN PATENT
Serial No. 12/861,330	:	PROSECUTION HIGHWAY
Filed: August 23, 2010	:	PROGRAM AND
For: AL-NI-RARE EARTH ELEMENT	:	PETITION TO MAKE SPECIAL
SPUTTERING TARGET	:	UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program filed November 17, 2010.

The request and petition are **DISMISSED** as moot. Specifically, a non-final Office Action was mailed in this application on February 3, 2011.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;

(2) Applicant must submit a copy of:

- a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO to obtain a copy from DAS; however, if the USPTO is unable to obtain a copy from the DAS, the applicant will be required to submit a copy;
- b. An English translation of the allowable/ patentable claim(s), if applicable; and
- c. A statement that the English translation is accurate, if applicable;

(3) Applicant must:

- a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s); and
- b. Submit a claims correspondence table in English;

Application No. 12/861,330

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:

- a. Documentation of prior office action:
  - i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claims(s) or
  - ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
  - iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form:Further, if a copy of the documents from a or b is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy;
- b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above if applicable; and
- c. A statement that the English translation is accurate; and

(6) Applicant must submit:

- a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
- b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application).

The request to participate in the PPH pilot program and petition fail because:

(4) Examination of the U.S. application has begun. Specifically, note that a non-final Office Action was mailed in this application on February 3, 2011.

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/eac/index.html>.

/Christine Tierney/

---

Christine Tierney  
Quality Assurance Specialist  
Technology Center 1700



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In re Application of  
William R. Salvesen

Application No. 12861371

Filed:

Attorney Docket No. A-10.32

:  
:

:DECISION ON PETITION TO MAKE SPECIAL  
:UNDER 37 CFR 1.102(c)(1)

:

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 23-AUG-2010 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

14 MAY 2004



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RECEIVED  
Kendall Thiessen

MAY 19 2004

Kendall I. Thiessen  
Gibson, Dunn & Crutcher, LLP  
1801 California Street, Suite 4100  
Denver, CO 80202

DATE REV'D: 5/19/04  
BY: Buss  
CM: 04520-00012  
DATE DOCK'T'D: N/A  
ACTION DOCK'T'D: Ruled/Noted

In re Application of  
BOND, Anthony Wayne, et al.  
Application No.: 09/743,950  
PCT No.: PCT/AU99/00595  
Int. Filing Date: 23 July 1999  
Priority Date: 24 July 1998  
Attorney Docket No.: 3135/FBR  
For: INPUT/OUTPUT INTERFACE AND  
DEVICE ABSTRACTION

DECISION ON  
PETITIONS UNDER  
37 CFR 1.47(a)  
AND  
37 CFR 1.137(b)

This is a decision on applicants' "Renewed Petition Under 37 CFR §1.137(b)," filed in the United States Patent and Trademark Office (USPTO) on 23 December 2003.

### BACKGROUND

On 23 July 1999, applicants filed international application PCT/AU99/00595, which claimed a priority date of 24 July 1998. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 10 February 2000. A Demand for international preliminary examination, in which the United States was elected, was filed on 24 February 2000, within nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 24 January 2001.

On 12 January 2001, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 23 February 2001, the USPTO mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 30 May 2002, the Office mailed a Notification of Abandonment (Form PCT/DO/EO/909) indicating the application went abandoned for failure to timely reply to the Notification of Missing Requirements filed 23 February 2001.

On 23 July 2002, applicants submitted the initial petitions under 37 CFR 1.137(b) and 37 CFR 1.183, which were accompanied by a statement from Shahan Islam.



On 09 September 2002, the Office mailed Decision On Petitions Under 37 CFR 1.183 and 37 CFR 1.137(b) dismissing applicants' petitions without prejudice. The decision set a two (2) month period for reply, running from the mail date of the decision. Extensions of time were available under 37 CFR 1.136(a).

On 28 July 2003, applicants filed a second petition to revive, along with a petition under 37 CFR 1.47(a).

On 30 September 2003, the Office dismissed the petition without prejudice.

On 23 December 2003, applicants submitted the instant renewed petition.

### **DISCUSSION**

A petition to revive an abandoned application under 37 CFR 1.137(b) must be filed without intentional delay from the time the application became abandoned and/or applicant first became aware of the abandoned status of the application. A petition under 37 CFR 1.137(b) must be accompanied by (1) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, (2) the required reply, (3) the petition fee required by law (37 CFR 1.17(m)), and (4) a terminal disclaimer and fee (if the international application was filed prior to June 8, 1995). Pursuant to 37 CFR 1.137(b)(3), additional information may be required where there is a question whether the delay was unintentional.

Items (2), (3) and (4) were previously satisfied.

Item (1) has now been satisfied.

#### **Petition Under 37 CFR 1.47(a)**

A petition under 37 CFR 1.47 must be accompanied by: (1) the fee under 37 CFR 1.17(h), (2) proof of pertinent facts, namely that the inventor refuses to sign or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, and (4) an oath or declaration by the 37 CFR 1.47(a) applicant on behalf of himself or herself and the nonsigning applicant.

Items (1), (2), (3) and (4) have been satisfied. The fee has been paid. Applicants have furnished evidence of their inability to locate the nonsigning inventor after a diligent effort. Applicants list the address of Mr. Ronald Mach, the non-signing inventor, as 7942 Wishing Well Road; Las Vegas, NV 89123. The declaration complies with 37 CFR 1.497(a)-(b) and 37 CFR 1.47.

**CONCLUSION**

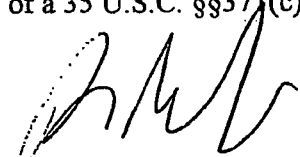
For the above reasons, applicants' petition under 37 CFR 1.137(b) is **GRANTED**.

The petition under 37 CFR 1.47(a) is **GRANTED**.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the nonsigning inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application, including accordation of a 35 U.S.C. §§371(c)(1), (c)(2) and (c)(4) date of **28 July 2003**.



Boris Milef  
PCT Legal Examiner  
PCT Legal Administration



Erin M. Pender  
Attorney Advisor  
PCT Legal Administration

Telephone: 703-305-0455  
Facsimile: 703-308-6459

**ATTEN MUCHIN ZAVIS ROSENMAN  
DECLARATION AND POWER OF ATTORNEY**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below my name,

I believe I am the original, first and sole inventor (if only one name is listed below), or an original, first and joint inventor (if more than one inventor's name is listed below), of the subject matter which is claimed and for which a patent is sought on the invention entitled INPUT OUTPUT INTERFACE AND DEVICE ABSTRACTION

Title of Invention

the specification of which:            is attached hereto      was filed on January 12, 2001      Application Serial No. 09/743,950

(for declaration not accompanying application)

with amendment(s) filed on            (date(s) of all amendments)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, §119/§172 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

EARLIEST FOREIGN APPLICATION(S), IF ANY, FILED PRIOR TO THE FILING DATE OF THE APPLICATION			
APPLICATION NUMBER	COUNTRY	DATE OF FILING (Day, Month, Year)	PRIORITY CLAIMED UNDER 35 U.S.C. 119/172
PCT/AU99/00595	PCT/AU	23 July 1999	Yes <u>---X---</u> No
			Yes <u>---</u> No
			Yes <u>---</u> No

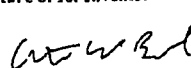
I hereby claim the benefit under Title 35, United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

APPLICATION NUMBER	FILING DATE	STATUS		
		PATENTED	PENDING	ABANDONED
60/094,068	July 24, 1998			X

POWER OF ATTORNEY: As a named inventor, I hereby appoint Shahan Islam (Reg. No. 2,507) whose address is KMZ Rosenman, 575 Madison Avenue, New York, New York 10022-2585 (e-mail: shahan.islam@kmzr.com) as my attorney, to prosecute this application, and to transact all business in the U. S. Patent and Trademark Office connected therewith.

Send Correspondence To: SHAHAN ISLAM, ESQ. KMZ ROSENMAN, 575 Madison Avenue, New York, New York 10022-2585			Direct Telephone Number (212) 940-8564	
Full Name of 1st Inventor	Last Name <b>BOND</b>	First Name <b>ANTHONY</b>	Middle Name <b>WAYNE</b>	
Residence & Citizenship	City <b>Henderson Tucson</b>	State or Foreign Country <b>Nevada Arizona</b>	Country of Citizenship <b>USA</b>	
Home Address	No. and Street Address <b>1687 W. Desert Spirits Dr. 277 Adorn Drive</b>	City <b>Henderson Tucson</b>	State or Country <b>Nevada Arizona</b>	Zip Code <b>89014 85743</b>
Full Name of 2nd Inventor	Last Name <b>MACH</b>	First Name <b>RONALD</b>	Middle Name <b>EDWARD</b>	
Residence & Citizenship	City <b>Las Vegas</b>	State or Foreign Country <b>Nevada</b>	Country of Citizenship <b>USA</b>	
Home Address	No. and Street Address <b>7942 Wishing Well Road</b>	City <b>Las Vegas</b>	State or Country <b>Nevada</b>	Zip Code <b>89123</b>
Full Name of 3rd Inventor	Last Name	First Name	Middle Name	
Residence & Citizenship	City	State or Foreign Country	Country of Citizenship	
Home Address	No. and Street Address	City	State or Country	Zip Code
Full Name of 4th Inventor	Last Name	First Name	Middle Name	
Residence & Citizenship	City	State or Foreign Country	Country of Citizenship	
Home Address	No. and Street Address	City	State or Country	Zip Code

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature of 1st Inventor 	Signature of 2nd Inventor	Signature of 3rd Inventor	Signature of 4th Inventor
Date <b>3/15/03</b>	Date	Date	Date



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/861,444	08/23/2010	Paw Rosenvard	VWS-148US	2044
26875 7590 11/30/2010 WOOD, HERRON & EVANS, LLP 2700 CAREW TOWER 441 VINE STREET CINCINNATI, OH 45202				
			EXAMINER CUEVAS, PEDRO J	
			ART UNIT 2839	PAPER NUMBER
			MAIL DATE 11/30/2010	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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**WOOD, HERRON & EVANS, LLP**  
**2700 CAREW TOWER**  
**441 VINE STREET**  
**CINCINNATI OH 45202**

**In re Application of**

**ROSENVARD et al.**

**Application No.: 12/861,444**

**Filed: 23 August 2010**

**Attorney Docket No.: VWS-148US**

**For: YAW SYSTEM FOR A NACELLE  
OF A WIND TURBINE AND WIND  
TURBINE**

**: DECISION ON REQUEST TO  
: PARTICIPATE IN THE PATENT  
: PROSECUTION HIGHWAY  
: PROGRAM AND PETITION  
: TO MAKE SPECIAL UNDER  
: 37 CFR 1.102(a)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 25 05 November 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

**Discussion**

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application is

- a. a Paris Convention application which either
  - i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the DKPTO, or
  - ii. validly claims priority to a PCT application that contains no priority claims, or
- b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
  - i. validly claims priority to an application filed in the DKPTO, or
  - ii. validly claims priority to a PCT application that contains no priority claims, or
  - iii. contains no priority claim, or
- c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
  - i. validly claims priority to an application filed in the DKPTO, or
  - ii. validly claims priority to a PCT application that contains no priority claims, or

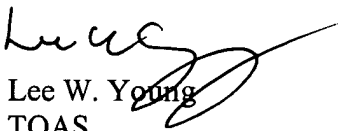
- iii. contains no priority claim;
- 2. Applicant must submit a copy of:
  - a. The allowable/patentable claim(s) from the DKPTO application(s);
  - b. An English translation of the allowable/patentable claim(s) and
  - c. A statement that the English translation is accurate;
- 3. Applicant must:
  - a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the DKPTO application(s) and
  - b. Submit a claims correspondence table in English;
- 4. Examination of the U.S. application has not begun;
- 5. Applicant must submit:
  - a. Documentation of prior office action:
    - i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the DKPTO application(s) containing the allowable/patentable claim(s) or
    - ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
    - iii. if the DKPTO application is a first action allowance then no office action from the DKPTO is necessary should be indicated on the request/petition form;
  - b. An English language translation of the DKPTO Office action from (5)(a)(i)-(ii) above
  - c. A statement that the English translation is accurate;
- 6. Applicant must submit:
  - a. An IDS listing the documents cited by the DKPTO examiner in the DKPTO office action (unless already submitted in this application)
  - b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

This application will be forwarded to the examiner for action on the merits commensurate with this decision.

  
Lee W. Young  
TQAS  
Technology Center 2800



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/861,451	08/23/2010	Yu Zhou	VWS-153US	2053
26875 7590 11/05/2010 WOOD, HERRON & EVANS, LLP 2700 CAREW TOWER 441 VINE STREET CINCINNATI, OH 45202			EXAMINER	
			ART UNIT	PAPER NUMBER
			3745	
			MAIL DATE	DELIVERY MODE
			11/05/2010	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.





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WOOD, HERRON & EVANS, LLP  
2700 CAREW TOWER  
441 VINE STREET  
CINCINNATI OH 45202

In re Application of	:	
ZHOU, YU et al	:	DECISION ON REQUEST TO
Application No. 12/861,451	:	PARTICIPATE IN PATENT
Filed: Aug. 23, 2010	:	PROSECUTION HIGHWAY
Attorney Docket No. VWS-153US	:	PILOT PROGRAM AND PETITION
For: METHOD AND A SYSTEM FOR	:	TO MAKE SPECIAL UNDER
ADJUSTING ALARM LEVEL OF A	:	37 CFR 1.102(d)
COMPONENT IN A WIND TURBINE	:	

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program under 37 CFR 1.102(d), filed November 4, 2010, to make the above-identified application special.

The request and petition are granted.

A grantable request to participate in the PPH pilot program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the DKPTO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the DKPTO application(s);
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the DKPTO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of all the office actions from each of the DKPTO application(s) containing the allowable/patentable claim(s); and
- (6) Applicant must submit an IDS listing the documents cited by the DKPTO examiner in the DKPTO office action along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH pilot program and petition comply with the above requirements. Receipt of the IDS statement is acknowledged. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

All other inquiries concerning the examination or status of the application should be directed to Edward Look, SPE of Art Unit 3745 and 571-272-4820.

The application will be forwarded and docketed to an examiner for action on the merits commensurate with this decision. The applicant is reminded that the foreign priority claim must be perfected during the course of the examination.

Petition is **granted**.

/Henry C. Yuen/

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Henry C. Yuen, Special Programs Examiner  
Technology Center 3700 – Mechanical Engineering,  
Manufacturing and Products  
571-272-4856



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Paper No.

STAAS & HALSEY LLP  
SUITE 700  
1201 NEW YORK AVENUE, N.W.  
WASHINGTON DC 20005

**MAILED**

**JAN 03 2011**

**OFFICE OF PETITIONS**

In re Application of :  
Miwako Yoshida : DECISION ON PETITION  
Application No. 12/861,468 :  
Filed: August 23, 2010 :  
Attorney Docket No. 2236.1005 :

This is a decision on the "PETITION UNDER 37 CFR §1.182 TO CHANGE NAME OF INVENTOR," filed September 21, 2010.

Petitioners state that inventor Miwako MANDAI changed her name to Miwako YOSHIDA, due to marriage. Petitioner submitted a petition fee of \$400. The petition includes a declaration by inventor YOSHIDA attesting to the change of name by virtue of marriage and signed in her prior and present names.

Moreover, MPEP 605.04(c) provides that:

In cases where an inventor's name has been changed after the application has been filed and the inventor desires to change his or her name on the application, he or she must submit a petition under 37 CFR 1.182. Applicants are also strongly encouraged to submit an application data sheet (37 CFR 1.76) showing the new name. The petition should be directed to the attention of the Office of Petitions. The petition must include an appropriate petition fee and a statement signed by the inventor setting forth both names and the procedure whereby the change of name was effected, or a copy of the court order.

The instant petition meets the requirements of MPEP 605.04(c).

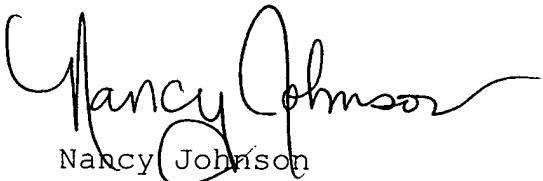
Accordingly, the petition is **GRANTED**.

A review of the application image file wrapper reveals that the inventor's name has already been changed in the records of the Office to Miwako YOSHIDA.

Applicants are strongly encouraged to use an application data sheet such that any patent to issue will reflect the correct spelling of the inventor's name. Without an application data sheet with the corrected spelling, any patent to issue is less likely to reflect the correct spelling since the spelling of the inventor's name is taken from the oath or declaration, or any subsequently filed application data sheet.

The Office of Patent Application Processing has been advised of this decision. The application is thereby forwarded to the Office of Patent Application for completion of pre-examination processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3219.

A handwritten signature in cursive script, reading "Nancy Johnson". The signature is written in black ink and is positioned above the printed name and title.

Nancy Johnson  
Senior Petitions Attorney  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
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**MCANDREWS HELD & MALLOY, LTD.**  
**500 WEST MADISON STREET**  
**SUITE 3400**  
**CHICAGO IL 60661**

**MAILED**

**SEP 27 2010**

In re Application of

Allen J. MOSES, et al

Application No. 12/861,470

Filed: August 23, 2010

Attorney Docket No. 23088US01

**OFFICE OF PETITIONS**

**DECISION ON PETITION  
TO MAKE SPECIAL UNDER  
37 CFR 1.102(c)(1)**

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 23, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement by applicant. Accordingly, the above-identified application has been accorded "special" status.

This matter is being referred to the Office of Data Management for further processing. This application will be accorded "special" status when pre-examination processing is done.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

All other inquiries concerning the "special" status should be directed to the Office of Data Management at (571) 272-4000.

/dcg/

Diane C. Goodwyn  
Petitions Examiner  
Office of Petitions



## UNITED STATES PATENT AND TRADEMARK OFFICE

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Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

In re Application of  
Edward L. Gibbs

Application No. 12861500

Filed:

Attorney Docket No. 073

:  
:

:DECISION ON PETITION TO MAKE SPECIAL  
:UNDER 37 CFR 1.102(c)(1)

:

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 23-AUG-2010 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.



## UNITED STATES PATENT AND TRADEMARK OFFICE

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Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

In re Application of  
Larry G. Keast

Application No. 12861518

Filed:

Attorney Docket No. 1884.002

:  
:

:DECISION ON PETITION TO MAKE SPECIAL  
:UNDER 37 CFR 1.102(c)(1)

:

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 23-AUG-2010 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.



## UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office  
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Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

In re Application of  
Larry G. Keast

Application No. 12861534

Filed:

Attorney Docket No. 1884.003

:  
:

:DECISION ON PETITION TO MAKE SPECIAL  
:UNDER 37 CFR 1.102(c)(1)

:

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 23-AUG-2010 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.



**Doc Code: PET.GREEN**

**Document Description: Petition for Green Tech Pilot**

PTO/SB/420 (12-09)

Approved for use through 05/31/2010. OMB 0651-0062

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket  
Number: **BL090020US-U1**

Application Number  
(if known):

Filing date: **8/19/2010**

First Named  
Inventor: **Alexander Shaikovitch**

Title: **REFLECTIVE SURFACE SUB-ASSEMBLY FOR A LIGHT-EMITTING DEVICE**

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

**Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request. Applicant hereby rescinds under 37 CFR 1.213(b) any previous filed request that the above-identified application not be published under 35 U.S.C. 122(b).**

**If the application has been published, the petition must still be accompanied by the publication fee set forth in 37 CFR 1.18(d) and a statement that the application has been published.**

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirement and classification requirement set forth in the notice entitled "Pilot Program for Green Technologies Including Greenhouse Gas Reduction" that was published in the Federal Register if the Office determines that the claims are not obviously directed to a single invention.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: STATEMENT UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Signature

Date

Name  
(Print/Typed) **Albert J. Harnois**

Registration Number **46,123**

**Note:** Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below\*.



\*Total of \_\_\_\_\_ forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**Instruction Sheet for  
Petition to Make Special Under the Green Technology Pilot Program**  
(Not to be Submitted to the USPTO)

***The following is a summary of the requirements (for more information see notice "Pilot Program for Green Technologies Including Greenhouse Gas Reduction" available on the USPTO web site at <http://www.uspto.gov/web/offices/pac/dapp/oqsheet.html>):***

- (1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111(a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371. The application must be previously filed before the publication date of the notice cited above. Reexamination proceedings are excluded from this pilot program.
- (2) The application must be classified in one of the U.S. classifications listed in section VI of the notice cited above at the time of examination.
- (3) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.
- (4) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice cited above and is classified in one of the U.S. classifications listed in section VI of the notice cited above.
- (5) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which will be available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.
- (6) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.
- (7) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No.	:	Confirmation No.
Applicant	:	Alexander Shaikevitch
Title	:	REFLECTIVE SURFACE SUB-ASSEMBLY FOR A LIGHT-EMITTING DEVICE
Filed	:	8/19/2010
Art Unit	:	Unknown
Examiner	:	Unknown
Docket No.	:	BL090020US-U1
Customer No.	:	81,596

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**STATEMENT UNDER THE GREEN TECHNOLOGY PILOT PROGRAM**

Dear Sir,

The basis for the Petition to Make Special under the Green Technology Pilot Program is category III of Eligibility Requirements - Energy Conservation.

It is respectfully submitted that aspects of the invention disclosed and claimed in the above-identified application fulfill the Eligibility Requirements because invention facilitates manufacturing and using of a semiconductor based light-emitting device that uses substantially less energy compared to contemporary light-emitting devices used for similar purpose.

Based on the foregoing, it is respectfully submitted that the materiality requirement is met.

Although no fees are believed to be due at this time, authorization is granted to charge any fees due or credit any overpayments in regards to this communication to Deposit Account No. 08-1394.

Date: Aug 19, 2010

Respectfully submitted,

<p><b>CERTIFICATE OF TRANSMISSION</b> I hereby certify that this correspondence is being electronically transmitted to the USPTO at (703) 746-4060, on the date indicated below. (Date) <u>8/20/2010</u> (Signature) <u>Mark A. Marrello</u> (Name) Mark Marrello</p>
---

By Albert J. Harnois  
Albert J. Harnois, Reg. No. 46,123  
(408) 990-6549  
Bridgelux, Inc.  
1170 Sonora Court  
Sunnyvale, California 94086

Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (12-09)

Approved for use through 05/31/2010. OMB 0651-0062

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket  
Number:

BL090020US-U1

Application Number  
(if known):

Filing date: 8/19/2010

First Named  
Inventor:

Alexander Shaikvitch

Title: REFLECTIVE SURFACE SUB-ASSEMBLY FOR A LIGHT-EMITTING DEVICE

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

**Applicant is requesting early publication:** Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request. Applicant hereby rescinds under 37 CFR 1.213(b) any previous filed request that the above-identified application not be published under 35 U.S.C. 122(b).

**If the application has been published, the petition must still be accompanied by the publication fee set forth in 37 CFR 1.18(d) and a statement that the application has been published.**

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirement and classification requirement set forth in the notice entitled "Pilot Program for Green Technologies Including Greenhouse Gas Reduction" that was published in the Federal Register if the Office determines that the claims are not obviously directed to a single invention.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: STATEMENT UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Signature



Date

Aug 19, 2010

Name  
(Print/Typed)

Albert J. Harnois

Registration Number

46,123

**Note:** Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below\*.



\*Total of \_\_\_\_\_ forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**Instruction Sheet for  
Petition to Make Special Under the Green Technology Pilot Program**  
(Not to be Submitted to the USPTO)

***The following is a summary of the requirements (for more information see notice "Pilot Program for Green Technologies Including Greenhouse Gas Reduction" available on the USPTO web site at <http://www.uspto.gov/web/offices/pac/dapp/oqsheet.html>):***

- (1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111(a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371. The application must be previously filed before the publication date of the notice cited above. Reexamination proceedings are excluded from this pilot program.
- (2) The application must be classified in one of the U.S. classifications listed in section VI of the notice cited above at the time of examination.
- (3) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.
- (4) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice cited above and is classified in one of the U.S. classifications listed in section VI of the notice cited above.
- (5) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which will be available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.
- (6) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.
- (7) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.





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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/861,580	08/23/2010	Alexander SHAIKEVITCH	BL090020US-U1	2309
81596	7590	09/10/2010	EXAMINER	
BridgeLux, Inc. 101 PORTOLA AVENUE LIVERMORE, CA 94551			ART UNIT	PAPER NUMBER
			2875	
			MAIL DATE	DELIVERY MODE
			09/10/2010	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

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BridgeLux, Inc.  
101 PORTOLA AVENUE  
LIVERMORE CA 94551

In re Application of  
SHAIKEVITCH et al.  
Application No. 12/861,580  
Filed: 23 August 2010  
Attorney Docket No. BL090020US-U1

:  
:  
:  
:  
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:  
DECISION ON PETITION  
TO MAKE SPECIAL UNDER  
THE GREEN TECHNOLOGY  
PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 23 August 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010).

The petition is DENIED.

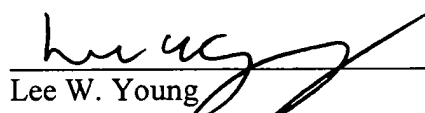
A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

The instant application was filed 23 August 2010 and is therefore not eligible for the Pilot. Since this condition cannot be overcome, the petition is Denied.

The instant application has not been accorded "special" status.

Any confusion over the earlier decisions is deeply regretted. Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

The application is being forwarded to the Technology Center Art Unit 2836 for action on the merits commensurate with this decision.

  
\_\_\_\_\_  
Lee W. Young  
Quality Assurance Specialist  
Technology Center 2800

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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In re Patent Application of:  
Alexander Shaikevitch et al.

Conf. No.: 2309

Serial No.: 12/861,580

Art Unit: 2875

Filing Date: August 23, 2010

Examiner: not yet assigned

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Title: REFLECTIVE SURFACE SUB-ASSEMBLY  
FOR A LIGHT-EMITTING DEVICE

---

**RENEWED PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT  
PROGRAM**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

A Petition to Make Special Under the Green Technology Pilot Program was previously filed for the above-referenced case. The petition was denied on September 10, 2010 solely on the basis that the application was not filed before December 8, 2009 and therefore was not eligible for the Pilot.

In the Federal Register, vol. 75, no. 217, pp. 69049-50, dated Wednesday, November 10, 2010, the USPTO expanded the pilot program to include “unexamined non-reissue non-provisional utility applications filed on or after December 8, 2009.”

The undersigned representative hereby requests renewal of the previously filed petition. Since this renewed petition is filed within one month of the publication date of the Federal Register notice, the undersigned representative requests it be given priority as of the date that the applicant filed the initial petition.

\*\*\*\*\*

The undersigned representative authorizes the Commissioner to charge any additional fees that may be required, or credit any overpayment, to Deposit Account No. 14-1437, referencing Attorney Docket No.: 20079.0005.NPUS00.

In order to facilitate the resolution of any issues or questions presented by this paper, the Examiner may directly contact the undersigned by phone to further the discussion.

Dated: November 18, 2010

Respectfully submitted,

By /Michael S. Garrabrants/

Michael S. Garrabrants

Registration No. 51,230

NOVAK DRUCE & QUIGG LLP

555 Mission Street, 34<sup>th</sup> Floor

San Francisco, California 94105

Tel.: (415) 814-6161

Fax: (415) 814-6165



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/861,580	08/23/2010	Alexander SHAIKEVITCH	20079.0005.NPUS00	2309

99483 7590 12/08/2010  
Bridgelux, Inc. c/o Novak Druce + Quigg LLP  
1000 Louisiana Street, Fifty- Third Floor  
Houston, TX 77002

EXAMINER
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ART UNIT	PAPER NUMBER
2875	

MAIL DATE	DELIVERY MODE
12/08/2010	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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Bridgelux, Inc. c/o Novak Druce + Quigg LLP  
1000 Louisiana Street, Fifty- Third Floor  
Houston TX 77002

In re Application of	:	
SHAIKEVITCH et al.	:	DECISION ON PETITION
Application No. 12/861,580	:	TO MAKE SPECIAL UNDER
Filed: August 23, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 20079.0005.NPUS00	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on August 23, 2010, and renewed on November 18, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to

make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The petition lacks item 4.

In regard to item 4, applicant's statement pertaining to how the materiality standard is met does not satisfy the requirements for this pilot. The instant petition includes a statement identifying the basis for the special status as contributing to energy conservation. Specifically, the petition recites the invention facilitates manufacturing and using of a semiconductor based light-emitting device that uses substantially less energy compared to contemporary light-emitting devices. However, the materiality standard does not permit an applicant to speculate as to how a hypothetical end-user might specially apply the invention in a manner that could contribute to energy conservation. The claims are directed to a reflective surface sub-assembly. Any argument that the claimed invention can be used with semiconductor based light-emitting devices is considered speculate as to how a hypothetical end-user might specially apply the claimed invention

Any reconsideration of this decision should be submitted through the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

The application is being forwarded to the Technology Center Art Unit 2875 for action in its regular turn.

  
\_\_\_\_\_  
Lee W. Young  
Quality Assurance Specialist  
Technology Center 2800

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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In re Patent Application of:  
Alexander SHAIKEVITCH et al.

Conf. No.: 2309

Serial No.: 12/861,580

Art Unit: 2875

Filing Date: August 23, 2010

Examiner: not yet assigned

---

Title: REFLECTIVE SURFACE SUB-ASSEMBLY  
FOR A LIGHT-EMITTING DEVICE

---

**REQUEST FOR RECONSIDERATION OF DISMISSED PETITION TO MAKE SPECIAL &  
STATEMENT UNDER THE GREEN TECHNOLOGY PILOT PROGRAM**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

A renewed petition (following a denial) to make special under the Green Technology Pilot Program was filed on November 18, 2010. The petition was with respect to the original claims filed on August 23, 2010.

The rationale for dismissing the petition was that the Statement of the basis to make special did not have an adequate nexus with these claims, in that the claimed subject matter could be used with or in a Light Emitting Diode (LED), but that the claims did not necessarily require such usage. The paper describing the petition dismissal indicated that if there was at least one claim that required the presence of an LED, or incorporation of the claimed technology in an LED, then the nexus requirement would be satisfied.

A preliminary amendment was filed on December 22, 2010, which added a new claim (claim 17), directed to an LED that incorporates the subject matter of independent claim 1. As such, Applicants submit that the Petition is in condition for reconsideration in view of the revised



claimset. Because the nexus requirement is now satisfied, Applicants further submit that the petition to make special can be granted.

**STATEMENT UNDER THE GREEN TECHNOLOGY PILOT PROGRAM**

This Statement was provided in the original petition and is repeated below for convenience.

It is respectfully submitted that aspects of the invention disclosed and claimed in the above-identified application fulfill the Eligibility Requirements because invention facilitates manufacturing and using of a semiconductor based light-emitting device that uses substantially less energy compared to contemporary light-emitting devices used for similar purpose.

**CONCLUSION**

\*\*\*\*\*

The undersigned representative authorizes the Commissioner to charge any additional fees that may be required, or credit any overpayment, to Deposit Account No. 14-1437, referencing Attorney Docket No.: 20079.0005.NPUS00.

In order to facilitate the resolution of any issues or questions presented by this paper, the Examiner may directly contact the undersigned by phone to further the discussion.

Dated: December 29, 2010

Respectfully submitted,

By /Michael S. Garrabrants/

Michael S. Garrabrants

Registration No. 51,230

NOVAK DRUCE & QUIGG LLP

555 Mission Street, 34<sup>th</sup> Floor

San Francisco, California 94105

Tel.: (415) 814-6161

Fax: (415) 814-6165



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/861,580	08/23/2010	Alexander SHAIKEVITCH	20079.0005.NPUS00	2309

99483 7590 01/12/2011  
Bridgelux, Inc. c/o Novak Druce + Quigg LLP  
1000 Louisiana Street, Fifty- Third Floor  
Houston, TX 77002

EXAMINER
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ART UNIT	PAPER NUMBER
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2875

MAIL DATE	DELIVERY MODE
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01/12/2011

PAPER

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1000 Louisiana Street, Fifty- Third Floor  
Houston TX 77002

In re Application of	:	
SHAIKEVITCH et al.	:	DECISION ON PETITION
Application No. 12/861,580	:	TO MAKE SPECIAL UNDER
Filed: August 23, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 20079.0005.NPUS00	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on August 23, 2010, and renewed on November 18, 2010 and December 29, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

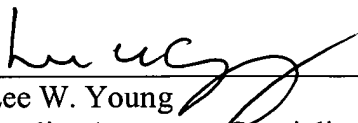
In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded “special” status.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

The application is being forwarded to the Technology Center Art Unit 2875 for action in its regular turn.

  
\_\_\_\_\_  
Lee W. Young  
Quality Assurance Specialist  
Technology Center 2800



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FOLEY & LARDNER LLP  
150 EAST GILMAN STREET  
P.O. BOX 1497  
MADISON WI 53701-1497

**MAILED**  
**JUL 20 2011**  
**OFFICE OF PETITIONS**

In re Application of	:	
Liping Liu et al	:	DECISION GRANTING STATUS
Application No. 12/861,593	:	UNDER 37 CFR 1.47(a)
Filed: August 23, 2010	:	
Attorney Docket No. 091151-0205	:	

This is a decision on the petition filed April 5, 2011 under 37 CFR 1.47(a).

The petition is **GRANTED**.


Petitioner has shown that the non-signing inventors, Shibo Tang and Xiaoling Liang, have refused to join in the filing of the above-identified application.

The application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This matter is being referred to the Office of Patent Application Processing.

Telephone inquiries regarding this decision should be directed to Irvin Dingle at (571) 272-3210.

  
David Bucci  
Petitions Examiner  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
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Shibo Tang  
Zhongshan Ophthalmic Center  
54 South Xianlie Road  
Guangzhou 510060 CHINA

**MAILED**

**JUL 20 2011**

**OFFICE OF PETITIONS**


In re Application of  
Liping Liu; Shibo Tang; Xiaoling Liang  
Application No. 12/861,593  
Filed: August 23, 2010  
For: METHODS AND COMPOSITIONS FOR PREVENTING OR TREATING OPHTHALMIC  
CONDITIONS

Dear Mr. Tang:

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the Irvin Dingle at (571) 272-3210. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington D.C. area).

  
David Bucci  
Petitions Examiner  
Office of Petitions

cc: Foley & Lardner LLP  
150 East Gilman Street  
P.O. Box 1497  
Madison WI 53701-1497



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United States Patent and Trademark Office  
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[www.uspto.gov](http://www.uspto.gov)

Xiaoling Liang  
Zhongshan Ophthalmic Center  
54 South Xianlie Road  
Guangzhou 510060 CHINA

**MAILED**

**JUL 20 2011**

**OFFICE OF PETITIONS**

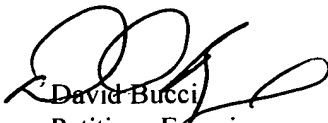
In re Application of  
Liping Liu; Shibo Tang; Xiaoling Liang  
Application No. 12/861,593  
Filed: August 23, 2010  
For: METHODS AND COMPOSITIONS FOR PREVENTING OR TREATING OPHTHALMIC  
CONDITIONS

Dear Mr. Liang:

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

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David Bucci  
Petitions Examiner  
Office of Petitions

cc: Foley & Lardner LLP  
150 East Gilman Street  
P.O. Box 1497  
Madison WI 53701-1497

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No.	:	Confirmation No.
Applicant	:	Alexander Shaikevitch
Title	:	REFLECTIVE SURFACE SUB-ASSEMBLY FOR A LIGHT-EMITTING DEVICE
Filed	:	8/19/2010
Art Unit	:	Unknown
Examiner	:	Unknown
Docket No.	:	BL090020US-U2
Customer No.	:	81,596

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**STATEMENT UNDER THE GREEN TECHNOLOGY PILOT PROGRAM**

Dear Sir,

The basis for the Petition to Make Special under the Green Technology Pilot Program is category III of Eligibility Requirements - Energy Conservation.

It is respectfully submitted that aspects of the invention disclosed and claimed in the above-identified application fulfill the Eligibility Requirements because invention facilitates manufacturing and using of a semiconductor based light-emitting device that uses substantially less energy compared to contemporary light-emitting devices used for similar purpose.

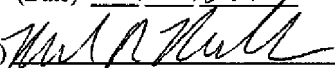
Based on the foregoing, it is respectfully submitted that the materiality requirement is met.




Although no fees are believed to be due at this time, authorization is granted to charge any fees due or credit any overpayments in regards to this communication to Deposit Account No. 08-1394.

Date: Aug 19, 2010

Respectfully submitted,

<p><b>CERTIFICATE OF TRANSMISSION</b> I hereby certify that this correspondence is being electronically transmitted to the USPTO at (703) 746-4060, on the date indicated below.</p> <p>(Date) <u>8/20/2010</u></p> <p>(Signature) <u></u></p> <p>(Name) Mark Marrello</p>
---

By   
Albert J. Harnois, Reg. No. 46,123  
(408) 990-6549  
Bridgelux, Inc.  
1170 Sonora Court  
Sunnyvale, California 94086

Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (12-09)

Approved for use through 05/31/2010. OMB 0651-0062

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

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## PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: <b>BL090020US-U2</b>	Application Number (if known):	Filing date: <b>8/19/2010</b>
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First Named Inventor: **Alexander Shaikevitch**

Title: **REFLECTIVE SURFACE SUB-ASSEMBLY FOR A LIGHT-EMITTING DEVICE**

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

**Applicant is requesting early publication:** Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request. Applicant hereby rescinds under 37 CFR 1.213(b) any previous filed request that the above-identified application not be published under 35 U.S.C. 122(b).

**If the application has been published, the petition must still be accompanied by the publication fee set forth in 37 CFR 1.18(d) and a statement that the application has been published.**

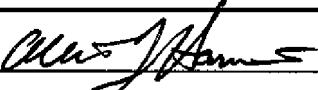
2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirement and classification requirement set forth in the notice entitled "Pilot Program for Green Technologies Including Greenhouse Gas Reduction" that was published in the Federal Register if the Office determines that the claims are not obviously directed to a single invention.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: STATEMENT UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Signature 	Date <b>Aug 19, 2010</b>
Name (Print/Typed) <b>Albert J. Harnois</b>	Registration Number <b>46,123</b>

**Note:** Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below\*.

☐ \*Total of \_\_\_\_\_ forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

*If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.*

**Instruction Sheet for  
Petition to Make Special Under the Green Technology Pilot Program  
(Not to be Submitted to the USPTO)**

***The following is a summary of the requirements (for more information see notice "Pilot Program for Green Technologies Including Greenhouse Gas Reduction" available on the USPTO web site at <http://www.uspto.gov/web/offices/pac/dapp/ogsheet.html>):***

- (1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111(a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371. The application must be previously filed before the publication date of the notice cited above. Reexamination proceedings are excluded from this pilot program.
- (2) The application must be classified in one of the U.S. classifications listed in section VI of the notice cited above at the time of examination.
- (3) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.
- (4) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice cited above and is classified in one of the U.S. classifications listed in section VI of the notice cited above.
- (5) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which will be available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.
- (6) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.
- (7) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/861,641	08/23/2010	Alexander Shaikevitch	BL090020US-U2	2429
65761 7590 09/29/2010 SAN FRANCISCO OFFICE OF NOVAK DRUCE + QUIGG LLP 1000 LOUISIANA STREET FIFTY-THIRD FLOOR HOUSTON, TX 77002				
			EXAMINER	
			ART UNIT	PAPER NUMBER
			2875	
			MAIL DATE	DELIVERY MODE
			09/29/2010	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

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SAN FRANCISCO OFFICE OF  
NOVAK DRUCE + QUIGG LLP  
1000 LOUISIANA STREET  
FIFTY-THIRD FLOOR  
HOUSTON TX 77002

In re Application of	:	
SHAIKEVITCH et al.	:	DECISION ON PETITION
Application No. 12/861,641	:	TO MAKE SPECIAL UNDER
Filed: August 23, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. BL090020US-U2	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed August 23, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010).

The petition is DENIED.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

The instant application was filed August 23, 2010 and is therefore not eligible for the Pilot. Since this condition cannot be overcome, the petition is Denied.

The instant application has not been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

The application is being forwarded to the Technology Center Art Unit 2875 for action on the merits commensurate with this decision.

  
\_\_\_\_\_  
Lee W. Young  
Quality Assurance Specialist  
Technology Center 2800

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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In re Patent Application of:  
Alexander Shaikevitch et al.

Conf. No.: 2429

Serial No.: 12/861,641

Art Unit: 2812

Filing Date: August 23, 2010

Examiner: Charles D. Garber

---

Title: METHOD FOR MANUFACTURING A  
REFLECTIVE SURFACE SUB-ASSEMBLY  
FOR A LIGHT-EMITTING DEVICE

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**RENEWED PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT  
PROGRAM**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

A Petition to Make Special Under the Green Technology Pilot Program was previously filed for the above-referenced case. The petition was denied on September 29, 2010 solely on the basis that the application was not filed before December 8, 2009 and therefore was not eligible for the Pilot.

In the Federal Register, vol. 75, no. 217, pp. 69049-50, dated Wednesday, November 10, 2010, the USPTO expanded the pilot program to include "unexamined non-reissue non-provisional utility applications filed on or after December 8, 2009."

The undersigned representative hereby requests renewal of the previously filed petition. Since this renewed petition is filed within one month of the publication date of the Federal Register notice, the undersigned representative requests it be given priority as of the date that the applicant filed the initial petition.

\*\*\*\*\*

The undersigned representative authorizes the Commissioner to charge any additional fees that may be required, or credit any overpayment, to Deposit Account No. 14-1437, referencing Attorney Docket No.: 20079.0005.NPUS01.

In order to facilitate the resolution of any issues or questions presented by this paper, the Examiner may directly contact the undersigned by phone to further the discussion.

Dated: November 18, 2010

Respectfully submitted,

By /Michael S. Garrabrants/

Michael S. Garrabrants

Registration No. 51,230

NOVAK DRUCE & QUIGG LLP

555 Mission Street, 34<sup>th</sup> Floor

San Francisco, California 94105

Tel.: (415) 814-6161

Fax: (415) 814-6165





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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/861,641	08/23/2010	Alexander Shaikevitch	20079.0005.NPUS01	2429
99483 7590 12/08/2010 Bridgelux, Inc. c/o Novak Druce + Quigg LLP 1000 Louisiana Street, Fifty- Third Floor Houston, TX 77002			EXAMINER GARBER, CHARLES D	
			ART UNIT 2812	PAPER NUMBER
			MAIL DATE 12/08/2010	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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Bridgelux, Inc. c/o Novak Druce + Quigg LLP  
1000 Louisiana Street, Fifty- Third Floor  
Houston TX 77002

In re Application of	:	
SHAIKEVITCH et al.	:	DECISION ON PETITION
Application No. 12/861,641	:	TO MAKE SPECIAL UNDER
Filed: August 23, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 20079.0005.NPUS01	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on August 23, 2010, and renewed on November 18, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to

make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

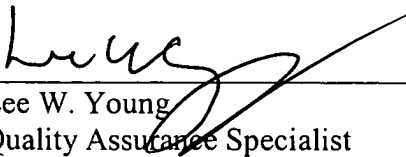
The petition lacks item 4.

In regard to item 4, applicant's statement pertaining to how the materiality standard is met does not satisfy the requirements for this pilot. The instant petition includes a statement identifying the basis for the special status as contributing to energy conservation. Specifically, the petition recites the invention facilitates manufacturing and using of a semiconductor based light-emitting device that uses substantially less energy compared to contemporary light-emitting devices. However, the materiality standard does not permit an applicant to speculate as to how a hypothetical end-user might specially apply the invention in a manner that could contribute to energy conservation. The claims are directed to a method of manufacturing a reflective surface sub-assembly. Any argument that the claimed invention can be used with semiconductor based light-emitting devices is considered speculate as to how a hypothetical end-user might specially apply the claimed invention

Any reconsideration of this decision should be submitted through the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

The application is being forwarded to the Technology Center Art Unit 2812 for action in its regular turn.



---

Lee W. Young  
Quality Assurance Specialist  
Technology Center 2800

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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In re Patent Application of:  
Alexander SHAIKEVITCH et al.

Conf. No.: 2429

Serial No.: 12/861,641

Art Unit: 2812

Filing Date: August 23, 2010

Examiner: Charles D. Garber

Title: METHOD FOR MANUFACTURING A  
REFLECTIVE SURFACE SUB-ASSEMBLY  
FOR A LIGHT-EMITTING DEVICE

---

**REQUEST FOR RECONSIDERATION OF DISMISSED PETITION TO MAKE SPECIAL &  
STATEMENT UNDER THE GREEN TECHNOLOGY PILOT PROGRAM**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

A renewed petition (following a denial) to make special under the Green Technology Pilot Program was filed on November 18, 2010. The petition was with respect to the original claims filed on August 23, 2010.

The rationale for dismissing the petition was that the Statement of the basis to make special did not have an adequate nexus with these claims, in that the claimed subject matter could be used with or in a Light Emitting Diode (LED), but that the claims did not necessarily require such usage. The paper describing the petition dismissal indicated that if there was at least one claim that required the presence of an LED, or incorporation of the claimed technology in an LED, then the nexus requirement would be satisfied.

A preliminary amendment was filed on December 22, 2010, which added a new claim (claim 18), directed to an LED that incorporates the subject matter of independent claim 1. As such, Applicants submit that the Petition is in condition for reconsideration in view of the revised

claimset. Because the nexus requirement is now satisfied, Applicants further submit that the petition to make special can be granted.

**STATEMENT UNDER THE GREEN TECHNOLOGY PILOT PROGRAM**

This Statement was provided in the original petition and is repeated below for convenience.

It is respectfully submitted that aspects of the invention disclosed and claimed in the above-identified application fulfill the Eligibility Requirements because invention facilitates manufacturing and using of a semiconductor based light-emitting device that uses substantially less energy compared to contemporary light-emitting devices used for similar purpose.

**CONCLUSION**

\*\*\*\*\*

The undersigned representative authorizes the Commissioner to charge any additional fees that may be required, or credit any overpayment, to Deposit Account No. 14-1437, referencing Attorney Docket No.: 20079.0005.NPUS01.

In order to facilitate the resolution of any issues or questions presented by this paper, the Examiner may directly contact the undersigned by phone to further the discussion.

Dated: December 29, 2010

Respectfully submitted,

By /Michael S. Garrabrants/

Michael S. Garrabrants

Registration No. 51,230

NOVAK DRUCE & QUIGG LLP

555 Mission Street, 34<sup>th</sup> Floor

San Francisco, California 94105

Tel.: (415) 814-6161

Fax: (415) 814-6165



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/861,641	08/23/2010	Alexander Shaikevitch	20079.0005.NPUS01	2429

99483 7590 01/12/2011  
Bridgelux, Inc. c/o Novak Druce + Quigg LLP  
1000 Louisiana Street, Fifty- Third Floor  
Houston, TX 77002

EXAMINER
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GARBER, CHARLES D

ART UNIT	PAPER NUMBER
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2812

MAIL DATE	DELIVERY MODE
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01/12/2011

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

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Bridgelux, Inc. c/o Novak Druce + Quigg LLP  
1000 Louisiana Street, Fifty- Third Floor  
Houston TX 77002

In re Application of	:	
SHAIKEVITCH et al.	:	DECISION ON PETITION
Application No. 12/861,641	:	TO MAKE SPECIAL UNDER
Filed: August 23, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 20079.0005.NPUS01	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on August 23, 2010, and renewed on November 18, 2010 and December 29, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded “special” status.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

The application is being forwarded to the Technology Center Art Unit 2812 for action in its regular turn.

  
\_\_\_\_\_  
Lee W. Young  
Quality Assurance Specialist  
Technology Center 2800





# UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/861,655	08/23/2010	Yafit Stark	78664-AA/JPW/GJG/ML	2454
23432 7590 09/03/2010 COOPER & DUNHAM, LLP 30 Rockefeller Plaza 20th Floor NEW YORK, NY 10112			EXAMINER NIEBAUER, RONALD T	
			ART UNIT	PAPER NUMBER
			1654	
			MAIL DATE	DELIVERY MODE
			09/03/2010	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

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United States Patent and Trademark Office  
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[www.uspto.gov](http://www.uspto.gov)

SEP 03 2010

COOPER & DUNHAM, LLP  
30 Rockefeller Plaza  
20th Floor  
NEW YORK NY 10112

In re Application of:  
Stark et al.

Serial No.: 12/861,655

Filed: August 23, 2010

Docket No.: 78664-AA/JPW/GJG/ML

DECISION ON PETITION TO  
MAKE SPECIAL FOR NEW  
APPLICATION UNDER 37  
C.F.R. § 1.102 & M.P.E.P. §  
708.02

Title: **METHOD OF DELAYING THE ONSET  
OF CLINICALLY DEFINITE  
MULTIPLE SCLEROSIS**

This is a decision on the petition filed on August 23, 2010 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is GRANTED.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.
2. Restriction Practice:  
If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the

examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:

If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:

An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:

A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):

Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:

To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:

To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:

If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:

The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to Marianne C. Seidel, Quality Assurance Specialist, at (571) 272-0584.

/MC Seidel/

Marianne C. Seidel, Quality Assurance Specialist  
Technology Center 1600



## UNITED STATES PATENT AND TRADEMARK OFFICE

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Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

In re Application of  
Karl Westermann

Application No. 12861711

Filed:

Attorney Docket No. WSTR001US1

:  
:

:DECISION ON PETITION TO MAKE SPECIAL  
:UNDER 37 CFR 1.102(c)(1)

:

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 23-AUG-2010 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

**REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY – PATENT  
PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE  
KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO**

Application No.:	12/861,717	First Named Inventor:	Brian Douglas Minert
Filing Date:	August 23, 2010	Attorney Docket No.:	I1011.10018US01
Title of the Invention:	MULTI-TIERED MEDIA SERVICE FOR GLOBALLY INTERCONNECTING BUSINESSES AND CUSTOMERS		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT [HTTP://WWW.USPTO.GOV/EBS/DFS\\_HELP.HTML](http://www.uspto.gov/ebs/efs_help.html).

**APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PILOT PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PILOT PROGRAM.**

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/US2011/045777

The international filing date of the corresponding PCT application(s) is/are: July 28, 2011

**I. List of Required Documents:**

- a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)**
  - ☒ is attached.
  - ☐ is not attached because the document is already in the U.S. application.
- b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s)**
  - ☒ is attached.
  - ☐ is not attached because the document is already in the U.S. application.
- c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**
- d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**
  - ☒ is attached.
  - ☐ has already been filed in the above-identified U.S. application on \_\_\_\_\_
- (2) Copies of all documents (except for U.S. patents or U.S. patent application publications)**
  - ☒ are attached.
  - ☐ have already been filed in the above-identified U.S. application on \_\_\_\_\_

(continued)

## II. Claims Correspondence Table:

**III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.**

[Page 2 of 2]

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.





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**MAILED**

**MAR 22 2012**

**OFFICE OF PETITIONS**

**Maschoff Gilmore & Israelsen  
1441 W. Ute Blvd., Suite 100  
Park City UT 84098-7633**

**In re Application of**

**Brian Douglas Minert et al.**

**Application No.: 12/861,717**

**Filed: August 23, 2010**

**Attorney Docket No.: I1011.10018US01**

**For: Multi-Tiered Media Services for**

**Globally Interconnecting . . . Customers**

**: DECISION ON REQUEST TO  
: PARTICIPATE IN THE PATENT  
: PROSECUTION HIGHWAY  
: PROGRAM AND PETITION  
: TO MAKE SPECIAL UNDER  
: 37 CFR 1.102(a)**

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed on March 6, 2012, to make the above-identified application special.

The request and petition are **GRANTED**.

**Discussion**

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

- 1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are Australia, Austria, China, EPO, Finland, JPO, Korea, NPI, Russia, Spain, Sweden and the USPTO;
- (2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;
- (3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;
- (4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate if the latest international work product is not in the English language;

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PCT-PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

This application will be forwarded to the examiner for action on the merits commensurate with this decision.

A handwritten signature in black ink, appearing to read "Thurman K. Page".

Thurman Page  
Petitions Examiner  
Office of Petitions



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/861,731	08/23/2010	Shunichi Saito	SUTOSH.658AUS	2581

7590 09/12/2011  
KNOBBE MARTENS OLSON & BEAR LLP  
2040 MAIN STREET  
FOURTEENTH FLOOR  
IRVINE, CA 92614

EXAMINER
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HJERPE, RICHARD A

ART UNIT	PAPER NUMBER
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2629

NOTIFICATION DATE	DELIVERY MODE
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09/12/2011

ELECTRONIC

## DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

*The declaration of express abandonment is recognized*

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

  
Patent Publication Branch  
Office of Data Management

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/64 U.S. Patent and Trademark Office Department of Commerce	
Electronic Petition Request	<b>PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)</b>		
Application Number	12861747		
Filing Date	23-Aug-2010		
First Named Inventor	Patrick Lancaster		
Art Unit	3721		
Examiner Name	STEPHEN GERRITY		
Attorney Docket Number	LANT-383USC1		
Title	WRAPPING APPARATUS AND METHOD INCLUDING METERED PRE-STRETCH FILM DELIVERY ASSEMBLY		
<p>The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.</p> <p>APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION</p> <p>NOTE: A grantable petition requires the following items:</p> <ol style="list-style-type: none"> <li>1. Petition fee;</li> <li>2. Reply and/or issue fee;</li> <li>3. Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995; and for all design applications;</li> <li>4. Statement that the entire delay was unintentional.</li> </ol>			
<p>Petition fee</p> <p>The petition fee under 37CFR 1.17(m) is attached.</p> <p><input type="checkbox"/> Applicant claims SMALL ENTITY status. See 37 CFR 1.27.</p> <p><input type="checkbox"/> Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).</p> <p><input checked="" type="checkbox"/> Applicant(s) status remains as SMALL ENTITY.</p> <p><input type="checkbox"/> Applicant(s) status remains as other than SMALL ENTITY.</p>			
<p>Reply Fee</p> <p><input checked="" type="checkbox"/> A reply in the form of a continuing application with serial number 13340098 has been previously filed on 12-29-2011</p>			

Terminal disclaimer with disclaimer fee

☒ Terminal disclaimer and fee are not required

☐ I certify, in accordance with 37 CFR 1.4(d)(4) that the terminal disclaimer and fee have already been filed in the above-identified application on

☐ Terminal disclaimer and fee are attached

☒ STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

- ☐ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- ☒ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- ☐ A sole inventor
- ☐ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors.
- ☐ A joint inventor; all of whom are signing this e-petition.
- ☐ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71.

Signature	/David W. Dorton/
Name	David W. Dorton
Registration Number	51625



## UNITED STATES PATENT AND TRADEMARK OFFICE

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Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
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[www.uspto.gov](http://www.uspto.gov)

Decision Date : January 26, 2012

In re Application of :

### DECISION ON PETITION

Patrick Lancaster

Application No : 12861747

Filed : 23-Aug-2010

Attorney Docket No : LANT-383USC1

This is an electronic decision on the petition under 37 CFR 1.137(b), filed January 26, 2012 , to revive the above-identified application .

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to an Office action. The date of abandonment is the day after the expiration date of the period set for reply in the Office action or action plus any extensions of time actually obtained.

The electronic petition satisfies the requirements of 37 CFR 1.137(b) in that the practitioner has supplied (1) the reply in the form of a continuing application, (2) the petition fee under 37 CFR 1.17(m), and (3) a proper statement of unintentional delay.

The above-identified application is being revived solely for purposes of continuity. As continuity has been established by this decision reviving the above-identified application, the above-identified application is again abandoned in favor of continuing application No 13340098 filed on 12-29-2011

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997 ), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions



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**WAGNER, ANDERSON & BRIGHT, LLP**  
**3541 OCEAN VIEW BLVD**  
**GLENDALE CA 91208**

**MAILED**

**SEP 13 2010**

In re Application of	:	<b>OFFICE OF PETITIONS</b>
Wong et al.	:	
Application No. 12/861,755	:	<b>ON PETITION</b>
Filed: August 23, 2010	:	
Attorney Docket No. RLA 35.120A	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 23, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes a Declaration from the applicant, Jacob Y. Wong. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-3206. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This matter is being referred to the Office of Patent Application Processing for further pre-examination processing. Thereafter, when the processing is complete, the application will be referred to Technology Center Art Unit 3711 for action on the merits commensurate with this decision.

Liana Walsh  
Petitions Examiner  
Office of Petitions



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**KENNETH C. SPAFFORD**  
**708 SMITHSON AVENUE**  
**ERIE PA 16511**

**MAILED**

**SEP 27 2010**

In re Application of	:	<b>OFFICE OF PETITIONS</b>
William M. ANTHONY, et al	:	
Application No. 12/861,811	:	<b>DECISION ON PETITION</b>
Filed: August 23, 2010	:	<b>TO MAKE SPECIAL UNDER</b>
Attorney Docket No. 10016-0018	:	<b>37 CFR 1.102(c)(1)</b>
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 25, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a declaration statement signed by the applicant. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center at (571) 272-2800.

The application is being forwarded to Technology Center Art Unit 2836 for action on the merits commensurate with this decision.

/dcg/  
Diane C. Goodwyn  
Petitions Examiner  
Office of Petitions





UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450

**MAILED**

**MAR 14 2011**

**OFFICE OF PETITIONS**

**DENNIS DUPRAY  
1801 BELVEDERE DR.  
GOLDEN CO 80401**

In re Application of :  
Dennis J. DUPRAY et al. : DECISION ON PETITION  
Application No. 12/861,817 : UNDER 37 CFR 1.102(c)(1)  
Filed: August 23, 2010 :  
Atty. Docket No.: 1004-1-1-1 :

This is a decision on the petition under 37 CFR 1.102(c)(1), filed January 26, 2011, to make the above-identified application special based on applicants age as set forth in MPEP §708.02, Section IV.

The petition is **GRANTED**.

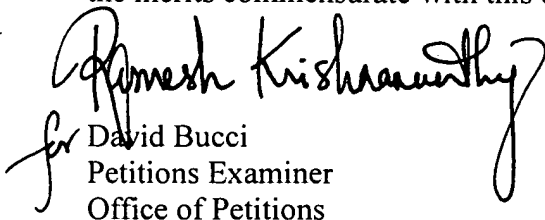
A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP §708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes the statement in the declaration attesting that Dennis J. Dupray, registered attorney, is in possession of evidence that inventor Sheldon F. Goldberg is 65 years of age, or more. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Robert DeWitty at 571-272-8427.

All other inquiries concerning either examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 2617 for action on the merits commensurate with this decision.

  
for David Bucci  
Petitions Examiner  
Office of Petitions



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BCF LLP  
1100 RENE-LEVESQUE BLVD. WEST  
25TH FLOOR  
MONTREAL QC H3B-5C9 CA  
CANADA

**MAILED**

**JUL 05 2011**

**OFFICE OF PETITIONS**

In re Application of	:	
LaVoie, et al.	:	
Application No. 12/861,867	:	DECISION
Filed: 24 August, 2010	:	
Attorney Docket No. 18301-014	:	

This is a decision on the petition filed on 31 May, 2011, pursuant to 37 C.F.R. §1.137 for revival of an application abandoned due to unintentional delay.

The petition pursuant to 37 C.F.R. §1.137(b) is **GRANTED**.

As to the Allegations  
of Unintentional Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement and/or showing of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee

*Petitioners' attentions always are directed to the guidance in the Commentary at MPEP §711.03(c)(II).*

BACKGROUND

Petitioner failed to reply timely and properly Notice to File Missing Parts (oath/declaration, surcharge, replacement drawings) mailed on 8 September, 2010, with reply due absent extension of time on or before 8 November, 2010.

Following Petitioner's submission on 8 December, 2010, the Office mailed a Notice of Incomplete Reply (extension of time fees) and the reply date remained as before.

The application went abandoned by operation of law after midnight 8 November, 2010.

The Office mailed the Notice of Abandonment 17 May, 2011.

On 31 May, 2011, Petitioner filed, *inter alia*, a petition (with fee) pursuant to 37 C.F.R. §1.137(b), and pointed to the reply, and made the statement of unintentional delay.

*Petitioners' attentions always are directed to the guidance in the Commentary at MPEP §711.03(c) as to the showing regarding unintentional delay and a petition pursuant to 37 C.F.R. §1.137(b).*

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice and all others who make representations before the Office **must** inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation—since all owe to the Office the continuing duty to disclose.<sup>1</sup>

### STATUTES, REGULATIONS AND ANALYSIS

Congress has authorized the Commissioner to revive an application if the delay is shown to the satisfaction of the Commissioner to have been “unavoidable.” 35 U.S.C. §133 (1994).<sup>2</sup> The regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a Petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application under this congressional grant of authority.

Unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and, by definition, are not intentional.<sup>3</sup>))

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<sup>1</sup> See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

<sup>2</sup> 35 U.S.C. §133 provides:

**35 U.S.C. §133 Time for prosecuting application.**

Upon failure of the applicant to prosecute the application within six months after any action therein, of which notice has been given or mailed to the applicant, or within such shorter time, not less than thirty days, as fixed by the Commissioner in such action, the application shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Commissioner that such delay was unavoidable.

<sup>3</sup> Therefore, by example, an unintentional delay in the reply might occur if the reply and transmittal form are to be prepared for shipment by the US Postal Service, but other pressing matters distract one's attention and the mail is not timely deposited for shipment.

As to Allegations of  
Unintentional Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee.

It appears that the requirements under the rule have been satisfied.


CONCLUSION

Accordingly, the petition pursuant to 37 C.F.R. §1.137(b) is **granted**.

The instant application is released to the Office of Patent Application Processing (OPAP) for further processing in due course.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the instant decision to ensure that the revival has been acknowledged by the OPAP in response to this decision. It is noted that all inquiries with regard to status need be directed to the OPAP where that change of status must be effected—that does not occur in the Office of Petitions.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2<sup>4</sup>) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

  
/John J. Gillon, Jr./  
John J. Gillon, Jr.  
Senior Attorney  
Office of Petitions

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<sup>4</sup> The regulations at 37 C.F.R. §1.2 provide:

**§1.2 Business to be transacted in writing.**

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: Mark Didat )  
Confirmation No.: 2949 )  
Serial No.: 12/861903 )  
Filing Date: 2010-08-24 )  
Atty Docket No.: 232843-1 )

VIA EFS  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Statement Concerning the Basis for the Special Status**

SIR:

The present application relates generally to dishwashers and, more particularly, to techniques for detecting a water fill level in dishwashers. A dishwasher is a mechanical device for cleaning dishes, utensils and other items. Various types of dishwashers are known and are currently available. Spray dishwashers, for example, spray warm water and detergent within a dishwasher cabinet to wash the items arranged in racks. Typically, the spray dishwasher employs one or more rotating spray arms that spray water through holes formed in the arms, a wash reservoir or "sump" where water is collected and a pump to pump the water from the sump to the spray arms. (See [0001])

A number of techniques have been proposed or suggested for reducing energy and water consumption in dishwashers. Existing water conservation techniques, for example, allow dishwashers to use less water while maintaining water velocity and pressure. One aspect of the known water conservation

techniques attempt to only fill the dishwashers to an appropriate water fill amount. (See [0002])

According to one aspect of the invention, a dishwasher system is provided that comprises a tub; a fluid circulation system for circulating water in the tub and a controller. The fluid circulation system comprises a motor and a fill valve. The controller monitors a current drawn by the motor to control an operation of the fill valve. The controller performs a frequency analysis on the current to detect a water fill level in the tub. (See [0006])

According to another aspect of the invention, a controller for a dishwasher system is provided. The controller comprises circuitry for sampling a current drawn by a motor in the dishwasher system; a signal processor to perform a frequency analysis on the current to detect a water fill level in the dishwasher system; and signal generating means for generating a water fill level signal to control an operation of at least one fill valve. (See [0007])

Another aspect of the invention provides a method for controlling an operation of a dishwasher system by sampling a current drawn by at least one motor in the dishwasher system; performing a frequency analysis on the current to detect a water fill level in the dishwasher system; and generating a water fill level signal to control an operation of at least one fill valve. (See [0008])

Therefore, Applicant respectfully submits that Special Status is sought on the basis that the present invention materially enhances the quality of the environment or materially contributes to the more efficient utilization and conservation of energy resources

The undersigned representative may be contacted at the number below to facilitate the resolution of any matters. Please charge any fees that are incurred in connection with this Statement to deposit account no. 09-0470.

Respectfully submitted,

General Electric Company

By : /Allison W. Mages/  
Allison W. Mages  
Reg. No. 57,275

Dated: November 9, 2011

GE Global Patent Operation  
2 Corporate Drive, Suite 648  
Shelton, CT 06484  
203-944-6730

**Doc Code: PET.GREEN**

**Document Description: Petition for Green Tech Pilot**

PTO/SB/420 (11-10)

Approved for use through 01/31/2011. OMB 0651-0062

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket  
Number: 232843

Application Number  
(if known): 12/861903

Filing date: 2010-08-24

First Named  
Inventor: Mark Didat

Title: METHODS AND APPARATUS FOR DETECTING PUMP CAVITATION IN A DISHWASHER USING FREQUENCY ANALYSIS

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

**Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.**

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: Statement Concerning the Basis for the Special Status

Signature /Allison W. Mages/

Date 2011-11-09

Name Allison W .Mages  
(Print/Typed)

Registration Number 57,275

**Note:** Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below\*.



\*Total of ..... forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



**Instruction Sheet for  
Petition to Make Special Under the Green Technology Pilot Program**  
(Not to be Submitted to the USPTO)

**The following is a summary of the requirements (for more information see the notices (i) "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," (ii) "Elimination of Classification Requirement in the Green Technology Pilot Program," and (iii) "Expansion and Extension of the Green Technology Pilot Program," available on the USPTO web site at [http://www.uspto.gov/patents/init\\_events/green\\_tech.jsp](http://www.uspto.gov/patents/init_events/green_tech.jsp)):**

- 1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111 (a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371, irrespective of the filing date of the application. Reexamination proceedings are excluded from this pilot program.
- 2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.
- 3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice (i) cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice (i) cited above.
- 4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.
- 5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.
- 6) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/861,903	08/24/2010	Mark Anthony DIDAT	232843	2949
52082	7590	11/17/2011		
General Electric Company GE Global Patent Operation 2 Corporate Drive, Suite 648 Shelton, CT 06484			EXAMINER MARKOFF, ALEXANDER	
			ART UNIT 1711	PAPER NUMBER
			NOTIFICATION DATE 11/17/2011	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gpo.mail@ge.com  
allyson.carnaroli@ge.com



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General Electric Company  
GE Global Patent Operation  
2 Corporate Drive, Suite 648  
Shelton CT 06484

11/17/2011

In re Application of	:	
Didat	:	DECISION ON PETITION
Application No. 12/861,903	:	TO MAKE SPECIAL UNDER
Filed: 8/24/2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 232843	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 11/9/2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a

request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded “special” status.

Telephone inquiries concerning this decision should be directed to Tom Dunn at 571-272-1171.

The application is being forwarded to the Technology Center Art Unit 1711 for action on the merits commensurate with this decision.

/Tom Dunn/

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Tom Dunn  
Quality Assurance Specialist  
Technology Center 1700

<b>Doc Code: PET.AUTO</b> <b>Document Description: Petition automatically granted by EFS-Web</b>		PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	<b>REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS</b>	
Application Number	12862044	
Filing Date	24-Aug-2010	
First Named Inventor	Ronald Laliberty	
Art Unit	3765	
Examiner Name	GLORIA HALE	
Attorney Docket Number	P-6296/RUSS 2 00065US01	
Title	SPORT GLOVE	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number:		27885 <hr/>
The reason(s) for this request are those described in 37 CFR: 10.40(c)(5)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:		
Name	Russell Brands, LLC	
Address	775 Lee Street	
City	Alexander City	
State	AL	
Postal Code	35010	
Country	US	

I am authorized to sign on behalf of myself and all withdrawing practitioners.

Signature

/ Richard M. Klein /

Name

Richard M. Klein

Registration Number

33000



## UNITED STATES PATENT AND TRADEMARK OFFICE

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Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Decision Date : February 28, 2012

In re Application of :

Ronald Laliberty

Application No : 12862044

Filed : 24-Aug-2010

Attorney Docket No : P-6296/RUSS 2 00065US01

DECISION ON REQUEST TO WITHDRAW AS  
ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed February 28, 2012

The request is **APPROVED**.

The request was signed by Richard M. Klein (registration no. 33000 ) on behalf of all attorneys/agents associated with Customer Number 27885 . All attorneys/agents associated with Customer Number 27885 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with correspondence address:

Name Russell Brands, LLC

Name2

Address 1 775 Lee Street

Address 2

City Alexander City

State AL

Postal Code 35010

Country US

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions





UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

TIMOTHY M HONEYCUTT ATTORNEY AT LAW  
P O BOX 1577  
CYPRESS, TX 77410

**MAILED**  
**FEB 17 2011**  
**OFFICE OF PETITIONS**

In re Application of	:	
<b>Roden R. TOPACIO</b>	:	
Application No. 12/862,053	:	DECISION GRANTING PETITION
Filed: August 24, 2010	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. <b>AMD1:192D\HON</b>	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed February 15, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

***Petitioner is advised that the issue fee paid on February 11, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.<sup>1</sup>***

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

This application is being referred to Technology Center AU 2826 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Monica A. Graves/  
Petitions Examiner, Office of Petitions

<sup>1</sup> The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). *Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (11-10)

Approved for use through 01/31/2011. OMB 0851-0062

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket  
Number: 83164057

Application Number  
(if known): 12/862,067

Filing date: August 24, 2010

First Named  
Inventor: Ralph Wayne Cunningham

Title: METHOD AND SYSTEM FOR CONTROLLING ENGINE AIR

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

**Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.**

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: \_\_\_\_\_

Signature /Donald J. Lewis/

Date April 14, 2011

Name Donald J. Lewis  
(Print/Typed)

Registration Number 55,813

**Note:** Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below\*.

☒ \*Total of 1 forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants : Ralph Wayne Cunningham et al.  
Application No. : 12/862,067  
Filed : August 24, 2010  
Title : METHOD AND SYSTEM FOR CONTROLLING ENGINE  
AIR  
Group Art Unit : 3655  
Confirmation No. : 3311  
Docket No. : 83164057

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**CERTIFICATE OF TRANSMISSION**

I hereby certify that this correspondence is being transmitted via the U.S. Patent and Trademark Office electronic filing system (EFS-Web) to the USPTO on:

April 14, 2011

Date

/Angie C. Farr/

Angie C. Farr

**STATEMENTS OF SPECIAL STATUS**

Applicants respectfully request consideration of the following statement concerning the basis for the special status as well as the following statement pertaining to the materiality standard.

*I. Statement concerning the basis for special status.*

Applicants submit that special status is sought on the following bases: (1) the claimed invention materially enhances the quality of the environment.

*II. Statement pertaining to the materiality standard.*

As a preliminary matter, Applicants note that the following statement refers explicitly to the elements of independent claim 1, which is the broadest claim in many respects.

Regarding basis (1), Applicants submit that the claimed invention materially enhances the quality of the environment by reducing vehicle emissions. Specifically, the claimed invention provides an interconnection between an intake manifold and a brake booster that allows for an improved rate of vacuum recovery within the brake booster, without producing engine air amount disturbances, which can degrade vehicle emissions.

As explained in the Background and Summary of the subject application, engine intake manifold vacuum may be used within a brake booster to increase the force a driver applies to a brake pedal to actuate vehicle brakes. However, boosted engines are sometimes operated where the engine intake manifold is at a positive pressure rather than a vacuum. Thus, it may be difficult to provide vacuum to the brake booster to assist the driver under some operating conditions.

To address this issue, an interconnection between the intake manifold and the brake booster may be provided that allows for an improved rate of vacuum recovery within the brake booster. By improving the vacuum recovery rate of the brake booster it may be possible to eliminate a vacuum pump on a boosted engine. However, improving a rate of vacuum recovery in a brake booster can also produce engine air amount disturbances (e.g., un-throttled air flow rate) as air is exchanged from the brake booster to the engine intake manifold. These engine air amount disturbances can increase engine emissions. The claimed invention addresses this issue with a method for operating an engine to provide brake booster vacuum while limiting engine emissions. For example, claim 1 recites:

An engine operating method, comprising:  
adjusting an actuator to substantially maintain an engine intake manifold pressure in response to a brake booster to intake manifold flow rate when brake booster vacuum changes, the brake booster vacuum change in response to a change in a position of a brake pedal.

By adjusting an actuator in response to a brake booster to intake manifold flow rate, it may be possible to provide brake booster vacuum while limiting engine emissions and driver disturbances. For example, a driver may repeatedly accelerate and brake a vehicle during the course of driving. When the driver releases the throttle to brake there may be a brief opportunity to recharge the brake booster with vacuum. If the engine throttle is adjusted in response to a brake booster to intake manifold flow rate, the intake manifold pressure rate of change may be limited or substantially maintained at a constant pressure so that changes in engine operation are mitigated. In this way, engine air disturbances may be reduced when replenishing vacuum to a brake booster (where such disturbances can lead to exhaust air-fuel ratio excursions away from stoichiometry that

increase emissions), and thus vehicle emissions can be improved, enhancing the quality of the environment.

Please charge any cost incurred in this filing, along with any other costs, to Deposit Account No. 06-1510.

Respectfully submitted,

ALLEMAN HALL MCCOY RUSSELL &  
TUTTLE LLP

/Donald J. Lewis/

Donald J. Lewis

Registration No. 55,813

Customer No. 36865

Attorney/Agent for Applicants/Assignee

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Telephone: (503) 459-4141

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/862,067	08/24/2010	Ralph Wayne Cunningham	83164057	3311
36865 7590 06/16/2011 ALLEMAN HALL MCCOY RUSSELL & TUTTLE, LLP 806 S.W. BROADWAY, SUITE 600 PORTLAND, OR 97205			EXAMINER LE, DAVID D	
			ART UNIT 3655	PAPER NUMBER
			MAIL DATE 06/16/2011	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

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ALLEMAN HALL MCCOY RUSSELL & TUTTLE, LLP  
806 S.W. BROADWAY, SUITE 600  
PORTLAND OR 97205

In re Application of.	:	
RALPH CUNNINGHAM et al.	:	DECISION ON PETITION
Application No. 12/862,067	:	TO MAKE SPECIAL UNDER
Filed: August 24, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 83164057	:	PILOT PROGRAM

This is a decision on the petitions under 37 CFR 1.102, filed April 14, 2011 to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to

make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) ~~The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).~~

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The petition lacks item 4.

In regard to item 4, providing vacuum to the brake booster to assist the driver in actuating vehicle brakes may make vehicle brakes operate more efficiently but it also produces engine air amount disturbances which would increase engine emissions as noted on page 2 of the Statements of Special Status filed with the petition. The disclosure indicates that an actuator is one of an intake throttle, an EGR valve, PCV valve or a throttle bypass valve. When the throttle is lifted/closed, the air flow to the intake manifold is greatly restricted. However, since the rate of airflow through an engine is an important factor determining the amount of power the engine generates, restricting the input flow (by closing the throttle/actuator, and utilizing only the low airflow from the brake booster to intake manifold) reduces the density (and hence pressure) in the intake manifold, reducing the amount of power that is produced. As the airflow from the brake booster to intake manifold is very low, it reduces the pressure in the manifold and the engine power. This condition may create engine drag as the engine must pump material from the low-pressure intake manifold into the exhaust manifold at ambient atmospheric pressure, which may increase emissions. The claimed invention may prevent good pumping action by the engine and reduce overall efficiency. Based on the stated reasons, petitioner's assertion of the claimed invention's enhance the quality of the environment appears to be speculative. As stated in the notice, the materiality standard does not permit an applicant to speculate as to how a hypothetical end-user might specially apply the invention in a manner than could materially contribute to category (A) or (B). *Also see MPEP § 708.02 (VI)*. Accordingly, it is not agreed that the application on its face meets that materiality standard.

Any reconsideration of this decision should be submitted through the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen.

Telephone inquiries concerning this decision should be directed to Lanna Mai at 571-272-6867.

The application is being forwarded to the Technology Center Art Unit 3655 for action in its regular turn.

/Lanna Mai/

---

Lanna Mai  
Quality Assurance Specialist  
Technology Center 3600



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants : Ralph Wayne Cunningham et al.  
Application No. : 12/862,067  
Filed : August 24, 2010  
Title : METHOD AND SYSTEM FOR CONTROLLING  
ENGINE AIR  
Group Art Unit : 3655  
Confirmation No. : 3311  
Docket No. : 83164057

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**CERTIFICATE OF TRANSMISSION**

I hereby certify that this correspondence is being transmitted via the U.S. Patent and Trademark Office electronic filing system (EFS-Web) to the USPTO on:

July 18, 2011  
Date

Caitlin Fackrell  
Caitlin Fackrell

**STATEMENTS OF SPECIAL STATUS**

Responsive to the denial of Applicants' Petition under 37 CFR 1.102 filed April 14, 2011, Applicants respectfully request consideration of the following statement explaining how the materiality standard is met to satisfy requirement #4.

**Statement of Facts**

1. Applicants filed a Petition under 37 CFR 1.102 on April 14, 2011 (hereinafter referred to as "the Petition"), to make the subject application special under the pilot program for applications pertaining to Green Technologies.
2. In a Decision on Petition mailed June 16, 2011, the Petition was dismissed as lacking item #4, *i.e.*, failing to include a statement pertaining to the materiality standard. As best understood by Applicants, the statement pertaining to the materiality standard included in the Petition was not accepted as the Office requires clarification on how the invention as claimed meets the materiality standard.

3. By way of this Request for Reconsideration, Applicants provide a revised statement pertaining to the materiality standard.

#### Basis of the Petition

Applicants respectfully request consideration of the following revised statement pertaining to the materiality standard.

As a preliminary matter, Applicants note that the following statement refers explicitly to the elements of independent claim 1, which is the broadest claim in many respects.

Applicants submit that the claimed invention materially enhances the quality of the environment by reducing vehicle emissions. Specifically, the claimed invention compensates for engine air disturbances caused by air exchange between a brake booster and an engine intake manifold, thus improving vehicle emissions. As explained in the Background and Summary of the subject application, engine intake manifold vacuum may be used within a brake booster to increase the force a driver applies to a brake pedal to actuate vehicle brakes. However, boosted engines are sometimes operated where the engine intake manifold is at a positive pressure rather than a vacuum. Thus, it may be difficult to provide vacuum to the brake booster to assist the driver under some operating conditions.

To address this issue, an interconnection between the intake manifold and the brake booster may be provided that allows for an improved rate of vacuum recovery within the brake booster. By improving the vacuum recovery rate of the brake booster it may be possible to eliminate a vacuum pump on a boosted engine. However, improving a rate of vacuum recovery in a brake booster can also produce engine air amount disturbances (e.g., un-throttled air flow rate) as air is exchanged from the brake booster to the engine intake manifold. These engine air amount disturbances, if not properly accounted for, disrupt the combustion air-fuel ratio and cause it to deviate away from stoichiometry, thus increasing engine emissions. The claimed invention addresses this issue with a method for operating an engine to provide brake booster vacuum while limiting engine emissions. For example, claim 1 recites:

An engine operating method, comprising:  
adjusting an actuator to substantially maintain an engine intake manifold pressure in response to a brake booster to intake manifold flow rate when brake booster vacuum changes, the brake booster vacuum change in response to a change in a position of a brake pedal.

In this way, engine intake manifold pressure may be held constant even during a change in air flow from the brake booster to the intake manifold. By holding manifold pressure constant, the cylinder air charge is more predictable, and thus deviations in the air-fuel ratio of combustion away from stoichiometry are reduced, thus reducing emissions. For example, the position of the actuator can be adjusted in proportion to the air flow from the brake booster to the intake manifold in order to maintain manifold pressure and reduce air amount disturbances. Thus, the manifold may receive both intake and brake booster air yet maintain a stoichiometric air-fuel ratio in the combustion chamber.

By adjusting an actuator in response to a brake booster to intake manifold flow rate, it may be possible to provide brake booster vacuum while limiting engine emissions and driver disturbances. For example, a driver may repeatedly accelerate and brake a vehicle during the course of driving. When the driver releases the throttle to brake there may be a brief opportunity to recharge the brake booster with vacuum. If the engine throttle is adjusted in response to a brake booster to intake manifold flow rate, the intake manifold pressure rate of change may be limited or substantially maintained at a constant pressure so that changes in engine operation are mitigated. In this way, engine air disturbances may be reduced when replenishing vacuum to a brake booster (where such disturbances can lead to exhaust air-fuel ratio excursions away from stoichiometry that increase emissions), and thus vehicle emissions can be improved, enhancing the quality of the environment.

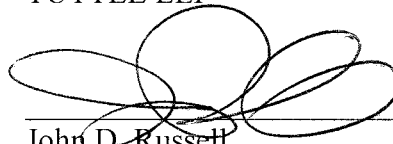
#### Request for Relief

For the above reasons, Applicants respectfully request reconsideration of the Petition under 37 CFR 1.102 filed April 14, 2011 to make the subject application special under the pilot program for applications pertaining to Green Technologies.

Please charge any cost incurred in the filing of this Request for Reconsideration, along with any other costs, to Deposit Account No. 06-1510.

Respectfully submitted,

ALLEMAN HALL MCCOY RUSSELL &  
TUTTLE LLP

A handwritten signature in black ink, consisting of several overlapping loops and a horizontal line at the end, positioned above a horizontal line.

John D. Russell

Registration No. 47,048

Customer No. 36865

Attorney/Agent for Applicants/Assignee

806 S.W. Broadway, Suite 600

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/862,067	08/24/2010	Ralph Wayne Cunningham	83164057	3311
36865 7590 08/04/2011 ALLEMAN HALL MCCOY RUSSELL & TUTTLE, LLP 806 S.W. BROADWAY, SUITE 600 PORTLAND, OR 97205			EXAMINER LE, DAVID D	
			ART UNIT 3655	PAPER NUMBER
			MAIL DATE 08/04/2011	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

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ALLEMAN HALL MCCOY RUSSELL & TUTTLE, LLP  
806 S.W. BROADWAY, SUITE 600  
PORTLAND OR 97205

8/4/11

In re Application of

Cunningham et al.

Application No. 12/862,067

Filed: 8/24/2010

Attorney Docket No. 83164057

DECISION ON PETITION  
TO MAKE SPECIAL UNDER  
THE GREEN TECHNOLOGY  
PILOT PROGRAM

This is a decision on the request for reconsideration, filed 7/18/2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded “special” status.

Telephone inquiries concerning this decision should be directed to Tom Dunn at 571-272-1171.

The application is being forwarded to the Technology Center Art Unit 3655 for action on the merits commensurate with this decision.

/Tom Dunn/

---

Tom Dunn  
Quality Assurance Specialist  
Technology Center 1700

**Doc Code: PET.GREEN**

**Document Description: Petition for Green Tech Pilot**

PTO/SB/420 (11-10)

Approved for use through 01/31/2011. OMB 0651-0062

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

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## PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket  
Number: 83159940

Application Number  
(if known): 12862122

Filing date: 2010-08-24

First Named  
Inventor: Matthew Allen Schneider

Title: EFFECTS OF BIODIESEL FUEL ON FUEL DILUTION OF ENGINE OIL

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

**Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.**

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: \_\_\_\_\_

Signature /David S. Bir/

Date 03-07-2011

Name  
(Print/Typed) David S. Bir

Registration Number 38383

**Note:** Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below\*.

☐ \*Total of ..... forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



**Instruction Sheet for  
Petition to Make Special Under the Green Technology Pilot Program**  
(Not to be Submitted to the USPTO)

**The following is a summary of the requirements (for more information see the notices (i) "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," (ii) "Elimination of Classification Requirement in the Green Technology Pilot Program," and (iii) "Expansion and Extension of the Green Technology Pilot Program," available on the USPTO web site at [http://www.uspto.gov/patents/init\\_events/green\\_tech.jsp](http://www.uspto.gov/patents/init_events/green_tech.jsp)):**

- 1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111 (a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371, irrespective of the filing date of the application. Reexamination proceedings are excluded from this pilot program.
- 2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.
- 3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice (i) cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice (i) cited above.
- 4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.
- 5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.
- 6) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/862,122	08/24/2010	Matthew Allen Schneider	83159940	3422
28395 7590 03/17/2011 BROOKS KUSHMAN P.C./FGTL 1000 TOWN CENTER 22ND FLOOR SOUTHFIELD, MI 48075-1238				
EXAMINER				
ART UNIT PAPER NUMBER				
3741				
MAIL DATE DELIVERY MODE				
03/17/2011 PAPER				

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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BROOKS KUSHMAN P.C./FGTL  
1000 TOWN CENTER  
22ND FLOOR  
SOUTHFIELD MI 48075-1238

In re Application of  
SCHNEIDER, MATTHEW ALLEN  
Application No. 12/862,122  
Filed: Aug. 24, 2010  
Attorney Docket No. 831519940

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DECISION ON PETITION  
TO MAKE SPECIAL UNDER  
THE GREEN TECHNOLOGY  
PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed March 7, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **dismissed**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed

invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The petition lacks item # 4.

In regard to item 4, petitioner should note that the instant petition includes a statement identifying the basis for the special status (i.e., whether the instant invention (1) materially enhances the quality of the environment or materially contributes to (2) development of renewable energy resources or energy conservation, or (3) greenhouse gas reduction) as required by sections II and III of the notice. However, as stated in the notice, applicant must also provide a statement pertaining to the materiality standard if the application disclosure is not clear on its face as to the materiality of the basis for the special status of the invention. This petition lacks such a statement and it is not agreed that the application on its face meets that materiality standard. Petitioner states that the claimed invention relates to energy conservation or greenhouse gas reduction. This is not convincing. For example, it is not clear how the claimed detecting, calculating, determining and estimating steps without any tangible devices or means will provide and enhance the quality of the environment or contribute to development of renewable energy resources or energy conservation or greenhouse gas reduction.

Any reconsideration of this decision should be submitted through the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

The application will be forwarded to the Technology Center Art Unit 3741 for action in its regular turn.

/Henry C. Yuen/

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Henry C. Yuen  
Quality Assurance Specialist  
Technology Center 3700

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Matthew Allen Schneider

Serial No.: 12/862,122

Filed: August 24, 2010

For: EFFECTS OF BIODIESEL FUEL ON FUEL DILUTION OF ENGINE OIL

Attorney Docket No.: 83159940

Group Art Unit: 3741

Examiner: Unknown

**REQUEST FOR RECONSIDERATION OF PETITION TO MAKE  
SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM**

Commissioner for Patents  
U.S. Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Decision on the Petition mailed March 17, 2011, Applicant respectfully requests reconsideration of the petition and Statement in support filed March 7, 2011 for the reasons stated herein.

In the decision dismissing the petition, it was stated that the petition lacked item #4, i.e. a statement pertaining to the materiality standard. Applicant respectfully disagrees as a statement in support of the materiality standard was filed with the petition on March 7, 2011. The decision also stated that it was not clear how the claimed method steps will contribute to energy conservation or greenhouse gas reduction. While Applicant believes the previously filed statement explains how the materiality standard is met by the originally filed claims (see claims 8 and 14 for example), the independent claims have been amended to more particularly point out the invention.

The claimed invention is directed to a method for determining fuel dilution of oil for a diesel engine operable with biodiesel fuel. As described in the specification and the previously filed statement, previous methods that were based on conventional diesel fuels are inaccurate when some or all of the fuel is a biodiesel fuel. While the claimed invention is not limited to biodiesel fuels, the invention is directed to facilitating operation of diesel engines with biodiesel fuel and biodiesel fuel mixtures. Use of biodiesel fuel and biodiesel fuel mixtures contributes to the conservation of energy resources.

As explained in greater detail in the specification, oil dilution by the fuel can cause the level in the oil pan to exceed the maximum permissible level. This can cause excess foaming of the oil due to the crankshaft dipping into the oil during rotation carrying air into the oil. Oil that has foam has degraded lubricating properties and therefore may shorten the service life of the engine. Furthermore, fuel in the oil reduces the oil's viscosity and degrades the oil's resistance to oxidation. In extreme cases, fuel laden oil is carried into the combustion chamber and affects the power produced by the engine. Computational models of oil dilution are used to estimate the rate at which fuel is added to the oil and the rate at which fuel is removed from the oil by evaporation. Such a model assumes diesel fuel. If, however, a biodiesel fuel or fuel mixture is used instead, the model's accuracy suffers.

Embodiments of the claimed invention include a method for determining a proportion of fuel diluting engine oil in a diesel engine where the fuel may include biodiesel fuel. The method includes detecting an oil volume in an oil pan coupled to the diesel engine, calculating a theoretical oil volume in the oil pan determining a difference between the detected and theoretical oil volumes, and estimating the proportion of fuel diluting engine oil. The theoretical oil volume is based on oil volume in the oil pan at an initial time, an input rate of fuel into the engine oil, and an evaporation rate of fuel from the engine oil. In one embodiment, the theoretical oil volume is a linear function of time. The detecting the oil volume is based on a signal from a level sensor provided in the oil pan. The oil volume is further based on the shape of the oil pan as a function of height in the oil pan or calibration of volume as a function of height in the oil pan. The method may also include estimating a proportion of biodiesel blended in the fuel supplied to the engine based on the difference between the detected and theoretical oil

volumes. The estimating a theoretical oil volume is based on the fuel supplied to the engine being diesel fuel of an assumed composition. The theoretical oil volume may be further based on oil consumption of the engine. The method may further include transmitting the estimated proportion of biodiesel to an engine control system coupled to the diesel engine. The method may further include recommending an oil change interval based on the proportion of fuel diluting engine oil.

Because the claimed invention is directed to use of an alternative fuel (biodiesel) in an internal combustion engine, the claimed invention materially contributes to conservation of energy resources. As such, reconsideration of the decision on the Petition to Make Special under the Green Technology Pilot program filed March 7, 2011 is respectfully requested.

No additional fee is believed to be due. However, please charge any fees to Deposit Account 06-1510.

Respectfully submitted,  
**MATTHEW ALLEN SCHNEIDER**

By: /David S. Bir/  
David S. Bir  
Reg. No. 38383  
Attorney for Applicant

Date: April 12, 2011

**BROOKS KUSHMAN P.C.**  
1000 Town Center, 22nd Floor  
Southfield, MI 48075-1238  
Phone: 248-358-4400  
Fax: 248-358-3351





# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/862,122	08/24/2010	Matthew Allen Schneider	83159940	3422
28395 7590 04/29/2011 BROOKS KUSHMAN P.C./FGTL 1000 TOWN CENTER 22ND FLOOR SOUTHFIELD, MI 48075-1238				
			EXAMINER	
			ART UNIT	PAPER NUMBER
			3741	
			MAIL DATE	DELIVERY MODE
			04/29/2011	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

BROOKS KUSHMAN P.C./FGTL  
1000 TOWN CENTER  
22ND FLOOR  
SOUTHFIELD MI 48075-1238

In re Application of  
SCHNEIDER, MATTHEW ALLEN  
Application No. 12/862,122  
Filed: Aug. 24, 2010  
Attorney Docket No. 831519940

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:  
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:  
DECISION ON PETITION  
TO MAKE SPECIAL UNDER  
THE GREEN TECHNOLOGY  
PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed April 14, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is granted.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed

invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded “special” status.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

This application will be forwarded to the Technology Center Art Unit 3741 for action on the merits commensurate with this decision.

/Henry C. Yuen/

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Henry C. Yuen  
Quality Assurance Specialist  
Technology Center TC 3700



## UNITED STATES PATENT AND TRADEMARK OFFICE

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Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Decision Date : February 28, 2012

In re Application of :

Michael Maziarz

Application No : 12862146

Filed : 24-Aug-2010

Attorney Docket No : P-6287 D1/RUSS 200058US02

DECISION ON REQUEST TO WITHDRAW AS  
ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed February 28, 2012

The request is **APPROVED**.

The request was signed by Richard M. Klein (registration no. 33000 ) on behalf of all attorneys/agents associated with Customer Number 027885 . All attorneys/agents associated with Customer Number 027885 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with correspondence address:

Name Russell Brands, LLC

Name2

Address 1 775 Lee Street

Address 2

City Alexander City

State AL

Postal Code 35010

Country US

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions

<b>Doc Code: PET.AUTO</b> <b>Document Description: Petition automatically granted by EFS-Web</b>		PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	<b>REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS</b>	
Application Number	12862146	
Filing Date	24-Aug-2010	
First Named Inventor	Michael Maziarz	
Art Unit	3711	
Examiner Name	STEVEN WONG	
Attorney Docket Number	P-6287 D1/RUSS 200058US02	
Title	YOUTH ORIENTED SPORTSBALLS	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number:		027885
The reason(s) for this request are those described in 37 CFR: 10.40(c)(5)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:		
Name	Russell Brands, LLC	
Address	775 Lee Street	
City	Alexander City	
State	AL	
Postal Code	35010	
Country	US	

I am authorized to sign on behalf of myself and all withdrawing practitioners.

Signature

/ Richard M. Klein /

Name

Richard M. Klein

Registration Number

33000

<b>Doc Code: PET.AUTO</b> <b>Document Description: Petition automatically granted by EFS-Web</b>		PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	<b>REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS</b>	
Application Number	12862152	
Filing Date	24-Aug-2010	
First Named Inventor	Dennis Schultze	
Art Unit	1638	
Examiner Name	RUSSELL KALLIS	
Attorney Docket Number	1423-160	
Title	Soybean Cultivar 9445098	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number:		32905
The reason(s) for this request are those described in 37 CFR: 10.40(b)(4)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to: The address of the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, associated with Customer Number: 26263		
I am authorized to sign on behalf of myself and all withdrawing practitioners.		
Signature	/Robert J. Jondle/	
Name	Robert J. Jondle	
Registration Number	33915	



## UNITED STATES PATENT AND TRADEMARK OFFICE

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Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Decision Date : January 3, 2012

In re Application of :

Dennis Schultze

Application No : 12862152

Filed : 24-Aug-2010

Attorney Docket No : 1423-160

DECISION ON REQUEST TO WITHDRAW AS  
ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR§ 1.36(b), filed January 3, 2012

The request is **APPROVED**

The request was signed by Robert J. Jondle (registration no. 33915 ) on behalf of all attorneys/agents associated with Customer Number 32905 . All attorneys/agents associated with Customer Number 32905 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with Customer number 26263 .

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions



<b>Doc Code: PET.AUTO</b> <b>Document Description: Petition automatically granted by EFS-Web</b>		PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	<b>REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS</b>	
Application Number	12862186	
Filing Date	24-Aug-2010	
First Named Inventor	Dennis Schultze	
Art Unit	1638	
Examiner Name	RUSSELL KALLIS	
Attorney Docket Number	1423-161	
Title	Soybean Cultivar 9728361	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number:		32905
The reason(s) for this request are those described in 37 CFR: 10.40(b)(4)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to: The address of the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, associated with Customer Number: 26263		
I am authorized to sign on behalf of myself and all withdrawing practitioners.		
Signature	/Robert J. Jondle/	
Name	Robert J. Jondle	
Registration Number	33915	



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Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Decision Date : January 3, 2012

In re Application of :

DECISION ON REQUEST TO WITHDRAW AS

Dennis Schultze

ATTORNEY/AGENT OF RECORD

Application No : 12862186

Filed : 24-Aug-2010

Attorney Docket No : 1423-161

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR§ 1.36(b), filed January 3, 2012

The request is **APPROVED**

The request was signed by Robert J. Jondle (registration no. 33915 ) on behalf of all attorneys/agents associated with Customer Number 32905 . All attorneys/agents associated with Customer Number 32905 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with Customer number 26263 .

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions



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United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Decision Date : January 3, 2012

In re Application of :

Dennis Schultze

Application No : 12862196

Filed : 24-Aug-2010

Attorney Docket No : 1423-162

DECISION ON REQUEST TO WITHDRAW AS  
ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR§ 1.36(b), filed January 3, 2012

The request is **APPROVED**

The request was signed by Robert J. Jondle (registration no. 33915 ) on behalf of all attorneys/agents associated with Customer Number 32905 . All attorneys/agents associated with Customer Number 32905 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with Customer number 26263 .

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions

<b>Doc Code: PET.AUTO</b> <b>Document Description: Petition automatically granted by EFS-Web</b>		PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	<b>REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS</b>	
Application Number	12862196	
Filing Date	24-Aug-2010	
First Named Inventor	Dennis Schultze	
Art Unit	1638	
Examiner Name	RUSSELL KALLIS	
Attorney Docket Number	1423-162	
Title	Soybean Cultivar 9531302	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number:		32905
The reason(s) for this request are those described in 37 CFR: 10.40(b)(4)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to: The address of the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, associated with Customer Number: 26263		
I am authorized to sign on behalf of myself and all withdrawing practitioners.		
Signature	/Robert J. Jondle/	
Name	Robert J. Jondle	
Registration Number	33915	